



Mr Don McDougall
Don McDougall Lawyer
Level 8, 65 York Street
SYDNEY NSW 2000

don@dmdlaw.com.au

Dear Mr McDougall

**Application for the Grant of a new Packaged Liquor Licence
Camperdown Cellars, Mosman**

I am writing to you about an application made by you on behalf of your client Camperdown Cellars Pty Limited to the Independent Liquor and Gaming Authority on 30 June 2015, for a proposed new packaged liquor licence for premises to be located at 774-776 Military Road, Mosman for a licensed business to be known as "Camperdown Cellars".

The Application was considered by the Authority at its meeting on 30 March 2016 and after careful consideration of the Application and further submissions provided in relation to the Application, the Authority decided pursuant to section 45 of the Act to **approve** the Application and grant a new packaged liquor licence. This decision was advised to you informally in an email from licensing staff dated 31 March 2016.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to publish statements of reasons for those types of decisions prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008. This letter attaches the Authority's reasons for decision, prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable.

The detailed conditions subject to which the licence has been granted are set out in the OneGov record of the liquor licence, provided separately by staff assisting the Authority.

Please contact the case manager, Darren Kavanagh at [e] darren.kavanagh@ilga.nsw.gov.au if you have any enquires about this letter.

Yours faithfully

**DB Armati
Deputy Chairperson**

24 May 2016

STATEMENT OF REASONS

INTRODUCTION

1. On 30 June 2015, the Independent Liquor and Gaming Authority (Authority) received an application (Application) lodged by Mr Euripides Viropoulos (Managing Director) on behalf of Camperdown Cellars Pty Limited (Applicant).
2. The Application seeks the grant of a new packaged liquor licence, within the meaning of section 29 of the *Liquor Act 2007* (Act), for premises located 774-776 Military Road, Mosman (Premises) in respect of a licensed business that is proposed to trade under the name "Camperdown Cellars".
3. The Premises is a stand-alone packaged liquor store, located on the ground level of a two storey mixed development building. The licensed area of the new business to be conducted on the Premises comprises approximately 200 square metres.
4. The Authority notes that the Applicant proposes that the packaged liquor business be licensed to sell or supply liquor for consumption off the Premises during the trading hours of:
Monday to Saturday 10:00am to 9:00pm
Sunday 10:00am to 8:00pm.
5. The Application seeks that the 6-hour daily closure period required by section 11A of the Act be fixed at between 12:00 midnight and 6:00am.
6. The Authority notes that Authority policy is for the 6-hour closure period to usually be fixed at between the hours of 4:00am and 10:00am unless an applicant provides a satisfactory case that it is in the public interest for another period to be specified.
7. The Applicant also submitted a Notice of Appointment of Manager to the Authority, appointing Mr Mitchell Hobbs as the approved manager of the Premises.

MATERIAL BEFORE THE AUTHORITY

8. Application Form for a New Packaged Liquor Licence filed with the Authority on 30 June 2015: In the Application form, the initial proposed licensed trading hours and daily closure period are specified as noted above.
9. While not specifying the location of those licensed premises, the Applicant notes that Camperdown Cellars has 8 current packaged liquor licences:
 - Licence number 700350512
 - Licence number 700350504
 - Licence number 700351403
 - Licence number 770010424
 - Licence number 724006162
 - Licence number 700353376
 - Licence number 724006436
 - Licence number 700350733
10. The Applicant submits on the basis of Development Application (DA) 8.2011.194.1 dated 4 January 2012 granted by Mosman Council (Council) that development consent is in force to conduct the type of business on the Premises that is proposed by this Application.

11. Official Authority Community Impact Statement (CIS) form filed with the Authority on 30 June 2015: The various contentions and submissions made by the Applicant in the CIS document with regard to the overall social impact of granting the Application are discussed in further detail below. The CIS material comprises *inter alia*:
 - The official Authority CIS form itself dated 30 June 2015
 - A document titled, Community Impact Statement, prepared by the Applicant
 - Camperdown Cellars operating experience
 - Statement and associated media releases for Camperdown Cellars, Parramatta Road store, winning National Liquor Store of the Year 2014 and the State award for Top Liquor Store of the Year 2014
 - Operational matters
 - Camperdown Cellars *House Policy* dated March 2015
 - Certificate of Advertising signed by Mr Euripides Viropoulos, the Managing Director, on behalf of the Applicant dated 18 June 2015
 - List of stakeholders and special interest groups consulted
 - DA No 8.2011.194.1 dated 4 January 2012 granted by Council
 - NSW Bureau of Crime Statistics and Research (BOCSAR) Recorded Crime Statistics for Mosman Local Government Area (LGA) for calendar year 2013
 - BOCSAR Recorded Crime Statistics comparing all LGA's within NSW between 2009 and 2013
 - Australian Liquor Stores Association (ALSA) Report into Australia's Changing Drinking Habits: The Facts About Australia's Alcohol Usage dated January 2015
 - Mosman Health Needs Analysis prepared by Council dated October 2011.
12. Community Impact Statement prepared by the Applicant attached to the official Authority CIS form dated 30 June 2015: This 39-page document addresses the Applicant's submissions on the overall social impact of granting the licence. It outlines the analysis performed by the Applicant itself in support of the submission that the overall social impact of granting the Application will not be detrimental to the well-being of the relevant community for the purposes of the test under section 48 of the Act.
13. In this document the Applicant defines the local community of the proposed business as the "retail trade area" of the proposed store which includes "people who will use the services and facilities that will be provided on the licensed premises as well as people who are likely to be affected by the application and may derive social benefit or suffer social harm as a result of the application" which includes the "neighbouring premises" of the proposed Premises. The Applicant then defines the broader community of the proposed business as the LGA of Mosman.
14. This document discusses, by apparent reference to the factors identified in Authority Guideline 6 the following risk factors:
 - Type of outlet
 - Licensed outlet density
 - The location and presence of "at-risk groups" and "sensitive facilities" near the proposed store
 - The incidence of alcohol related crime in the area
 - The incidence of alcohol related health problems in the area.
15. The Applicant submits that this document "represents a balanced and reasonable assessment" of the "likely future social change resulting from operating the Licence at the Proposed Store".
16. This document contains a geographical map depicting the "large geographical area" of the broader community of the Premises and a geographical map depicting the 150-metre radius from the Premises.

17. This CIS discusses the nature of the business proposed by the Application. It is accompanied by a photograph depicting the street front of the Premises and an internal floor layout plan of the proposed licensed Premises.
18. The document also contains the Applicant's assessment of the "likely social change" that will occur as a result of granting the Application. The CIS refers to "the demographic, socio economic status and density information relevant to this Application" by discussing:
 - Demographic characteristics sourced from data taken from the Australian Bureau of Statistics (ABS) 2011 Census and the website of the (then) NSW Office of Liquor, Gaming & Racing (OLGR) (now) Liquor, Gaming NSW (LGNSW)
 - The address details of the two full hotel licences, one hotel general bar licence, four packaged liquor licences, two internet operating packaged liquor licences and two packaged liquor licence that are not open in the suburb of Mosman sourced from NSW Liquor Stores Association
 - "At Risk" groups in the communities
 - "Population Snapshot" of Mosman
 - "Emerging Groups" in Mosman"
 - Licensed outlet density comparing Mosman LGA packaged liquor licence density to similar populated suburbs of the lower North Shore such as Willoughby and Lane Cove
 - Potentially sensitive facilities located near the proposed store
 - Impacts on neighbourhood amenity
 - The community consultation process on this Application
 - BOCSAR data on alcohol related crime in Mosman LGA
 - The Socio Economic Index for Areas (SEIFA) data published by the ABS for Mosman LGA and NSW as a whole
 - The key findings of the "National Liquor Report" dated April 2015 (the Authority notes that this reference to the "National Liquor Report" appears to refer a report by the Australian Liquor Stores Association entitled "Australia's Changing Drinking Habbits" dated January 2015 a copy of which is provided with the CIS).
19. After analysing the data, the Applicant submits that "there was not one element that when carefully analysed indicated a high or extreme risk" to the local or broader community that the Application "meets every aspect of the objects of the Act" that the section 48 social impact test "has been satisfied".
20. Camperdown Cellars Operating Experience: This 8-page document provides a summary of the Applicant's experience in operating licensed premises in Sydney. The Applicant submits that the Camperdown Cellars brand was "first established in the Sydney suburb of Camperdown in 1947" with the current owner operating the business since 1993. The Applicant states that Camperdown Cellars "operates 8 stores today" and offers a "unique shopping experience" that is not a "traditional style" bottle shop.
21. The Applicant in this document makes submissions addressing, *inter alia*, further background information regarding the social impact assessment process including the "at-risk indicators" in the relevant community the risk posed by packaged liquor licences versus other types of liquor licenced premises the "potential for this licence to cause adverse change to the "character" of the local community the issue of "noise" from the operation of the proposed business the issue of "litter and pollution related concerns" arising from the proposed business the impact of this business on "traffic and parking" submissions on alcohol consumption by the population of the community the product range and size of the proposed business the potential for the business to contribute to increase levels of alcohol related anti-social behaviour the issue of alcohol related hospitalisations and deaths in the local and broader community. Additionally, the Applicant "acknowledges that the mere sale of and consumption of alcohol could pose an

unidentifiable adverse social impact (at some level)" but contends that there is "limited likelihood for social harm as a result of the approval of this Application as shown by this document and the Statement of Impact".

22. Statement and associated media releases for Camperdown Cellars, Parramatta Road store, winning awards for 2014: This 3-page document provides a statement identifying that the Camperdown Cellars' Parramatta Road store has been awarded "Liquor Store of the Year" for 2014 at the 21st *Annual Australian Liquor Industry Awards* and three weeks later the state award for "Top Liquor Store of the Year 2014" at the *Retail Liquor Industry Awards of Excellence*. This document also includes media releases dated 3 November 2014 and 24 November 2014.
23. Operational matters adopted at the eight Camperdown Cellars stores in Sydney. This 3-page document states that each Camperdown Cellars store is "branded in a like manner" making the stores "instantly recognisable to customers".
24. The document also includes sections detailing with such subject matters as "Camperdown Cellars' Responsibility" "Stocking of Products" "Design Features" "Policies and Procedures" "Neighbourhood Safety" the "Exceptional Trading Record" of Camperdown Cellars "Liquor Accords". Elements of the House Policy are also discussed in this document.
25. Camperdown Cellars *House Policy* dated March 2015: This 9-page document outlines the following internal business policies and procedures: Camperdown Cellars best practice policies and interventions a statement of the "responsibilities" of the business its policy of refusing service to anyone in a school uniform even if over 18 the refusal of service to intoxicated persons a requirement for photo identification from any person who appears to be under the age of 25 and a requirement that all staff are to be "properly trained in the responsible service of alcohol".
26. Certificate of Advertising: signed by Mr Euripides Viropoulos, the Managing Director, on behalf of the Applicant dated 18 June 2015.
27. List of Stakeholders: The Applicant has provided a list of stakeholders who were notified of the Application. In addition to the general stakeholders outlined in this document, the Applicant identifies certain special interest groups that the Applicant considers to be located "near" the Premises.
28. Copies of stakeholder notices: notifying the Application to various stakeholders as required by the liquor legislation - including Police, Council and the site notice placed on the Premises.
29. Determination of Development Approval (DA) 8.2011.194.1 issued by Council on 4 January 2012: recording that Council has granted development consent with respect to the Premises for "Internal fit-out, removal of an approved opening and use as a fine wine and gourmet food outlet".
30. This DA was granted subject to the condition that the hours of permitted use of the Premises, for environmental planning purposes, are restricted to Monday through Saturday 9:00am to 10:00pm and Sunday 9:00am to 8:00pm.
31. BOCSAR Recorded Crime Statistics for Mosman LGA for calendar year 2013: detailing the following data:
 - Number and proportion of selected offences flagged as alcohol related by NSW Police

- Indigenous status of alleged offenders proceeded against by NSW Police for incidents of selected offences
 - Indigenous status of victims of selected offences recorded by NSW Police
 - Proportion of incidents by offence type and month
 - Age and gender of alleged offenders proceeded against by NSW Police for incidents of selected offences
 - Number of incidents of selected offences recorded by NSW Police by premises type
 - Number of recorded incidents and rate per 100,000 population, 24-month and 60-month trend and LGA areas rankings
 - Proportion of incidents by offence type, day of week and time of day
 - Age and gender of victims of selected offences recorded by NSW Police.
32. BOCSAR Recorded Crime Statistics comparing all LGAs within NSW between 2009 and 2013: for incidents of arson domestic violence assault non-domestic violence assault breach of an apprehended violence order breach bail conditions break and enter dwelling break and enter non-dwelling fraud harassment threatening liquor offences malicious damage to property motor vehicle theft offensive conduct offensive language other theft possession and/or use of cannabis prohibited weapons offences receiving stolen goods resist or hinder officer robbery sexual offences steal from dwelling steal from motor vehicle steal from person steal from retail store transport regulatory offences trespass.
33. ALSA Report Australia's Changing Drinking Habits: The Facts About Australia's Alcohol Usage dated January 2015: This eleven-page report by the industry body contends *inter alia* that alcohol consumption "has declined by 25 per cent since the 1970s" that more teenagers under the legal drinking age are "abstaining from drinking alcohol" that "alcohol related violence is decreasing" that Australians "support targeted measures rather than whole of population control measures to curb alcohol abuse" and that an increase in packaged liquor licences "has not led to an increase in alcohol consumption".
34. Mosman Health Needs Analysis prepared by Council dated October 2011: discussing (respectively) demographic data, health data, risk alcohol drinking, health services and facilities provision, future directions in health services, consultation with general practitioners and findings from the report for the Council area.
35. Notice of Appointment of Approved Manager filed with the Authority on 30 June 2015: informing the Authority that Mr Mitchell Hobbs will be the appointed approved manager of the licensed business to be conducted on the Premises.
36. Australian Securities and Investments Commission (ASIC) Current Organisation Extracts retrieved on 14 January 2015: This 3-page document provides details for the company "CAMPERDOWN CELLARS PTY LIMITED" which include the ACN, ABN, registration date, next review date, current company details, current company address, current company officers, current share capital, current shareholders/member and ASIC documents. The director and secretary of the company is Euripides Viropoulos.
37. Plan of the Premises prepared by Otto Design Interiors, a planning consultant engaged by the Applicant: The Applicant has submitted a 2-page document providing various diagrams of the Premises. The first diagram clearly identifies the liquor licensed area in red and depicts the service counter, impulse buy snack food displays, dry foods, wine display, floor display units, champagne display, display wine tasting table, fridges, cool room and refrigerated snack foods. The second diagram depicts the licensed area in red and the internal layout of this area.

38. Submission from NSW Roads and Maritime Services (RMS) dated 26 February 2015: This letter presents statistics for the Mosman LGA indicating that during 2013 there were "four alcohol-related crashes, resulting in one casualty".
39. RMS recommends that during the approval process, measures directed at preventing the "likelihood of alcohol involvement in road crashes in the Mosman area should be discussed".
40. RMS further recommend if the Application is approved that the licensee maintain awareness of local alcohol-related issues that the licensee attend the LGA's Liquor Accord and that public education material, focusing on drink drive and pedestrian-alcohol issues, be supported and displayed within the Premises.
41. RMS recommend that when there are customers who are buying large quantities of alcohol for a party or social event that staff of the new business draw attention to the safe party kit available on the police website or suggest that the purchaser contacts the local police for guidance.
42. RMS further recommend that the new business display a list of tips for people hosting social events containing suggestions that customers ensure that guests have a transport option to get home safely or access to details for taxi and public transport options, that non-drinking guests are encouraged to provide lifts to those who are, that low alcohol and soft drinks are available as an alternative, that food is offered, and that guests are prevented from being pressured into continuing to drink alcohol.
43. Report to the Authority dated 24 August 2015 from a delegate of the (then) Secretary of the NSW Trade and Investment (now the jurisdiction of the Department of Justice) via the Compliance Division of the Office of Liquor Gaming and Racing, now LGNSW: In this document, LGNSW reports that the Director of Compliance "does not object" to this Application.
44. LGNSW notes that the proposed licensed trading hours sought for the Premises are from Monday to Saturday 10:00am to 9:00pm and Sunday 10:00am to 8:00pm.
45. LGNSW note that a similar application was submitted but "subsequently withdrawn" by the Applicant after "non-compliance with the Liquor Regulations". LGNSW advise that there was "strong objection to the granting of the previous application" and that "this objection remains with Police and members of the public lodging submissions".
46. LGNSW observe that the "primary purpose" of this type of licensed business is the sale and supply of packaged liquor, meaning that the consumption of liquor cannot occur on the licensed Premises.
47. LGNSW submit that:
 - the existing radial density of liquor licensed premises in the suburb of Mosman is "moderate"
 - BOCSAR data shows that from April 2014 to March 2015:
 - the rate of *alcohol related assaults* (domestic and non-domestic) that occurred in the suburb of Mosman was 108 per 100,000 population compared to 301 per 100,000 persons for New South Wales as a whole
 - the rate of *alcohol-related disorderly conduct* offences in the suburb of Mosman for the same period was 51 per 100,000 population compared to 95 per 100,000 persons for New South Wales as a whole.

48. LGNSW submit that this crime data indicates that Mosman "does not appear to have an issue with alcohol related crime".
49. LGNSW note that one complaint relating to non-compliance with clause 8 of the Liquor Regulations was identified with the "complainant alleging the applicant made false/misleading statement". LGNSW observe that this complaint was made in direct response to the application process and the complainant was advised to lodge their objections with the Authority.
50. LGNSW observe that the Applicant specifies an association with eight established liquor licences. LGNSW advise that "some of these venues have been the subject of inspection" with "no adverse findings".
51. LGNSW advise that as at 5 July 2015 the following eight established packaged liquor licenced premises are located within the suburb of Mosman and two are located on Military Road:
- LIQP700350199 Balmoral Vintage Cellars 7 The Esplanade MOSMAN
 - LIQP700351705 Liquorland Mosman 417 Military Rd MOSMAN
 - LIQP700351713 Vintage Cellars 896 Military Rd MOSMAN
 - LIQP700351721 Mosman Cellars 154 Spit Rd MOSMAN
 - LIQP700382937 BWS – Beer Wine Spirits 56 Avenue Rd MOSMAN
 - LIQP700383119 Vintage Cellars Spit Junction 46-48 Spit Rd MOSMAN
 - LIQP770010416 The Lil Fine Wines 89 Spofforth St MOSMAN
 - LIQP770010420 Chambers Cellars Bridgeport Shopping Centre Shop 13, 1-3 Brady St MOSMAN.
52. LGNSW observe that there is "significant concern within the local community in relation to the proposed liquor application".
53. Submission from Licensing Sergeant Brendan Smith at Harbourside Local Area Command (LAC) of the NSW Police (Police), dated 23 June 2015: In this 17-page submission letter, Police submit that the Application should be "refused" on the basis that:
- The Applicant "has provided no evidence" to satisfy the Authority that the overall social impact of granting the licence "will not be detrimental to the well-being of the local or broader community"
 - The Applicant has "admitted" that the local or broader community are "likely to be affected by the application" and may (either) "derive social benefit" or "suffer social harms as a result of the application"
 - If the Application is granted there will be an "overall social impact to the community"
 - Granting the Application "will result in increased alcohol availability" in "an area where alcohol related crime, drink driving offences, anti-social behaviour and public drinking are already an issue"
 - There will be an "increase in availability" of alcohol to minors
 - There is already an "oversupply of outlets" providing for the needs of the community through the 96 existing liquor outlets in the Harbourside LAC, with 16 of those outlets located in the Mosman area
 - With the increase of liquor availability, the likelihood of incidents of alcohol related domestic violence "would increase"
 - With the increase of liquor availability, "the likelihood of drink driving increases" by local residents driving to the location in order to obtain packaged liquor
 - The locality is "predominantly retail shops/residential area with trading hours that finish at 5.30pm"

- The grant of licensed trading hours until 10.00pm on the Premises will be "detrimental to the surrounding residents in relation to an increase in noise, traffic and anti-social behaviour"
 - The Premises is located "in close proximity" to residential premises
 - Granting the Application would create traffic problems in the vicinity of the Premises due to "limited parking at the location" and a bus stop directly outside
 - The Premises is located in close proximity to a Primary School, a High School, and a sporting facility (Allan Border Oval)
 - There was "no police or community consultation" on the DA process by Council
 - There are "no restrictions on the amount of alcohol any one person can purchase at any one time" and this encourages "excessive public drinking" by younger persons in the community
 - The alcohol related offences for the past 12 months are within the responsibility of the Harbourside LAC.
54. Police further discuss the location of the Premises and observe that it is "in close proximity to residential premises which are units above the proposed bottle shop, [and there are] detached houses behind the numerous units opposite" the Premises.
55. Police advise that a recent development application in respect of a packaged liquor licenced premises to be located within 100 metres of the Premises "was refused" by Council.
56. Police advise that the Premises is located in a "small precinct of retail toy and clothing stores which close at approximately 5.30pm" and that the location is "in close proximity to areas which are a constant source of complaints" relating to "public drinking and intoxicated young males causing a disturbance to nearby businesses".
57. Police submit that liquor licensing authorities have "expressed concern about bottle shop density in some areas" and that an increase in bottle shops across NSW has "outpaced population growth". Police then refer to data said to be sourced from the (then) OLGR (now) LGNSW website depicting the total number of packaged liquor licences across all of NSW between 2008 to 2013, the NSW Population between 2008 and 2013 and the number of new packaged liquor licences in NSW between 2008 and 2013.
58. Police submit that adding one more licensed premises "does make a difference" to the community, and this is "proven by the current issues facing the inner city with alcohol related crime". Police submit that granting this Application "will increase the availability of alcohol" which is "clearly shown to adversely affect the local and broader community".
59. Police submit that there are already "sufficient" Packaged Liquor Licences to meet the needs of the community in the Mosman LGA and that the 2011 ABS Census data indicates that:
- there were 27,453 people in the Mosman LGA, of which "46.7 per cent were male and 53.3 per cent were female"
 - Aboriginal and Torres Strait Islander (ATSI) people made up "0.1 per cent of the population"
 - the "median age of people in the Mosman LGA was 36 years"
 - Children aged 0-14 years made up 18.3 per cent of the population and people aged 65 years and over made up 16.7 per cent of the population
 - Children aged between 0-17 years totalled 5,880 leaving 21,573 adults.
60. Police then discuss the issue of liquor availability to residents of Mosman. Police contend that the Mosman LGA has a total of "61" liquor licenced premises of which:
- seven are packaged liquor licenced premises

- three are hotel liquor licenced premises
 - six are registered club licensed premises
- all of which are licence types that provide authorisation to supply take-away liquor sales to the [Mosman] community.
61. Police contend that the neighbouring North Sydney LGA has:
- 47 packaged liquor licenced premises
 - 24 hotel liquor licenced premises and
 - nine registered club licensed premises.
- all of which are licence types that provide authorisation to supply take-away liquor.
62. Police submit that within the area of responsibility of the Harbourside LAC, there are 96 licensed premises providing takeaway alcohol sales to Mosman residents with two of these premises belonging to the Applicant.
63. [The Authority notes that Police have included in their submission the following details for licenced premises within the *Mosman sector* and the *North Sydney sector* of the Harbourside LAC including the licence number, name of the licensed premises, address and whether or not the liquor licence has extended trading hours].
64. Police then refer to (but do not provide a copy of) the following research:
- Technical Report No 3: "Preventing Alcohol-Related Harm in Australia: a Window of Opportunity". *National Preventative Health Taskforce by the Alcohol Working Group* ISBN: 1-74186-733-9 Online ISBN: 1-74186-734-7 Publications Approval Number: P3-4514
 - Chikritzhs T, Catalano P, Stockwell T, Donath S, Ngo H, Young D, *et al.* "Australian Alcohol Indicators, 1990-2001: Patterns of Alcohol Use and Related Harms for Australian States and Territories". *National Drug Research Institute, Curtin University of Technology and Turning Point, Alcohol and Drug Centre Inc., 2003*
 - Chikritzhs T, Catalano P, Pascal R and Henrickson N. "Predicting Alcohol-Related Harms From Licensed Outlet Density: A Feasibility Study". *National Drug Law Enforcement Research Fund, 2007*. Monograph Series No. 28. Hobart
 - Briscoe S and Donnelly N. "Assaults on Licensed Premises in Inner- Urban Areas. Sydney: New South Wales" *Bureau of Crime Statistics and Research, 2001*
 - Donnelly N, Poynton S, Weatherburn D, Bamford E and Nottage J. "Liquor Outlet Concentrations and Alcohol Related Neighbourhood Problems. *Alcohol Studies Bulletin. Sydney: NSW Bureau of Crime Statistics and Research, 2006*. Available from: [www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/ab08.pdf/\\$file/ab08.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/ab08.pdf/$file/ab08.pdf)
 - Livingston M. "Alcohol Outlet Density and Assault: A Spatial Analysis". *Addiction. 2008* 103:619-28. Available at: www3.interscience.wiley.com/journal/119411938/abstract
 - Livingston M. "A Longitudinal Analysis of Alcohol Outlet Density and Assault". *Alcohol: Clinical and Experimental Research. 2008* 32:1074-9. Available at www3.inter science.wiley.com/journal/120084012/abstract
 - Livingston M. "Recent Trends In Risky Alcohol Consumption and Related Harm Amongst Young People in Victoria", submitted for publication. 2008
 - Weitzman E, Folkman A, Folkman K and Wechsler H. "The Relationship of Alcohol Outlet Density to Heavy and Frequent Drinking and Drinking-Related Problems Among College Students at Eight Universities". *Health Place. 2003* 9:1-6
 - Gruenewald P and Ponicki W. "The Relationship of the Retail Availability of Alcohol and Alcohol Sales to Alcohol Related Traffic Crashes". *Accid Anal Prev. 1995* 27
 - Cohen D, Ghosh-Dastidar B, Scribner RA, Miu A, Scott M and Robinson P. "Alcohol Outlets, Gonorrhoea, and the Los Angeles Civil Unrest: A Longitudinal Analysis". *Soc Sci Med* 2006 62

- LaScala E, Johnson F and Gruenewald P. "Neighbourhood Characteristics of Alcohol-Related Pedestrian Injury Collisions: A Geostatistical Analysis". *Prev Sci.* 2001 2:123-34
 - Freisthler B, Midanik L and Gruenewald P. "Alcohol Outlets and Child Physical Abuse and Neglect: Applying Routine Activities Theory to the Study of Child Maltreatment". *J Stud Alcohol.* 2004 65:586-92
 - Wechsler H, Lee J, Hall J, Wagenaar A and Lee H. "Secondhand Effects of Student Alcohol Use Reported by Neighbours of Colleges: The Role of Alcohol Outlets". *Soc Sci Med.* 2002 55:425-35.
65. Police submit that recent research (which the Authority notes is an apparent reference to the above papers) from three Australian states has demonstrated "consistent links between the availability of alcohol in a region and the alcohol-related problems experienced there" and in particular these studies have "linked rates of violence to density of alcohol outlets".
66. Police also contend that a longitudinal study in Melbourne (which the Authority notes is an apparent reference to the work of Livingston, noted above) has "highlighted" that "changes in the number of outlets in an area are directly related to changes in the rates of night-time assaults occurring there".
67. Police submit that some international evidence suggests that higher outlet density is related to higher rates of risky alcohol consumption motor vehicle accidents risky sexual behaviour pedestrian injury child maltreatment neighbourhood amenity problems. (Police here refer to the work of Grunewald, Cohen, LaScala, Freisthler and Wechsler, previously noted).
68. Police contend that the results of this research are clear - that "liberalising alcohol availability is likely to increase alcohol-related problems".
69. The Authority notes that Police have included in their submission data maintained by the LAC in the form of a *Prescribed Concentration of Alcohol - Last Place of Consumption* Report for Mosman during December 2013 to November 2014.
70. Police submit, on the basis of this data, that 46 per cent of persons detected drink driving in Mosman had consumed their last liquor at a location recorded as "home/private residence". Police submit that this indicates that the alcohol consumed at home was purchased from a licensed premises that sells alcohol for consumption off the premises.
71. Police then discuss (but do not provide a copy of) the following research in relation to liquor availability and domestic violence:
- "Australian Bureau of Statistics. Personal Safety Survey 2005". Canberra: *Australian Bureau of Statistics (ABS) 2006*
 - Carcach C, James M. "Homicide Between Intimate Partners in Australia. Trends and Issues". *Criminal Justice #90, Canberra: The Australian Institute of Criminology 1998*
 - Begg S, Vos T, Barker B, Stevenson C, Stanley L, Lopez AD. "The burden of disease and injury in Australia, 2003". Canberra: *The Australian Institute of Health and Welfare 2007*
 - Klostermann KC, Fals-Stewart W. "Intimate Partner Violence and Alcohol Use: Exploring the Role of Drinking in Partner Violence and its Implications for Intervention". *Aggression and Violent Behavior* 2006 11(6): 587-597
 - Leonard K. "Domestic Violence and Alcohol: What is Known and What Do We Need to Know to Encourage Environmental Interventions?". *Journal of Substance Use* 20016(4):235-247

- Markowitz S. "The Price of Alcohol, Wife Abuse, and Husband Abuse". *Southern Economic Journal* 2000 67(2):279.
 - Douglas M. "Restriction of the Hours of Sale of Alcohol in a Small Community: A Beneficial Impact". *Australian and New Zealand Journal of Public Health* 1998 22(6):714-719
 - Gray D, Saggars S, Atkinson D, Sputore B, Bourbon D. "Beating the Grog: An Evaluation of the Tennant Creek Liquor Licensing Restrictions". *Australian and New Zealand Journal of Public Health* 1999 24:39-44
 - Stockwell T, Heather N, Gruenewald PJ, Peters TJ, editors. "Controls on the Physical Availability of Alcohol" *International Handbook of Alcohol Dependence and Problems*. Chichester: John Wiley and Sons 2001
 - Stockwell T, Lang E, Rydon P. "High-Risk Drinking Settings – The Association of Serving and Promotional Practices with Harmful Drinking". *Addiction* 1993 88(11): 1519-1526
 - Bartolo LD. "The Geography of Reported Domestic Violence in Brisbane: A Social Justice Perspective". *Australian Geographer* 2001 32(3):321-341
 - Browning CR. "The Span of Collective Efficacy: Extending Social Disorganization Theory to Partner Violence". *Journal of Marriage and Family* 2002 64(4):833-850
 - Cunradi CB, Caetano R, Clark C, Schafer J. "Neighborhood Poverty as a Predictor of Intimate Partner Violence Among White, Black, and Hispanic Couples in the United States: A Multilevel Analysis". *Annals of Epidemiology* 2000 10(5):297-308
 - O'Campo P, Gielen AC, Faden RR, Xue X, Kass N, Wang MC. "Violence by Male Partners Against Women During the Childbearing Year: A Contextual Analysis". *American Journal of Public Health* 1995 85(8):1092-1097
 - Pearlman DN, Zierler S, Gjelsvik A, Verhoek-Oftedahl W. "Neighborhood Environment, Racial Position, and Risk of Police-Reported Domestic Violence: A Contextual Analysis". *Public Health Reports* 2003 118(1):44-58.
72. Police discuss (but do not reference) an article published in the *Herald Sun* dated 6 October 2014 which indicated that domestic violence is "worse in suburbs with more bottle shops and pubs, and women assaulted by drunken partners are more severely hurt".
73. Police then discuss (but do not reference) statistics from the Foundation for Alcohol Research and Education, which according to Police indicate that "half of all police call-outs for family incidents involve alcohol" and that "almost 1.5 million Australian women have experienced domestic violence".
74. Police submit that there is a "substantial body of evidence relating alcohol consumption to domestic violence" to the effect that "increases in off-premises alcohol outlets in an area may lead to increased overall consumption (through more convenient access, lower prices due to competition or increasingly visible advertising), which in turn will lead to increased heavy drinking occasions and intoxication, thus increasing the risk of domestic violence".
75. Police further submit that there is a "small body of evidence which suggests a significant link between the density of alcohol outlets in an area and the area's rate of domestic violence".
76. Police also provide LAC data in the form of an *Alcohol Linking Monthly Report* for Harbourside LAC between June 2014 and July 2015. Police submit that this data indicates that during this period across this command:
- There were "748 reported domestic violence incidents"
 - Of these domestic assaults "270 incidents, or 36 per cent were alcohol related"
 - There were 355 "assaults" reported to Police

- Of these assaults 176, or 50 per cent were alcohol related.
77. Police then discuss alcohol consumption, long-term trends and pure alcohol content in wine. They submit, by reference to a graph depicting "apparent consumption of pure alcohol in Australia" by beverage type from 1963 to 2013. (The Authority is aware that the ABS maintains apparent consumption of alcohol data, although it is not clearly attributed).
 78. Police submit that although the consumption of beer has decreased steadily since 1970, the consumption of wine, spirits and cider has "dramatically increased during the same period".
 79. Police also refer to a graph, sourced from BOCSAR, depicting apparent consumption of pure alcohol per capita for wine, between 1959 and 2009 and a table sourced from BOCSAR depicting assumed alcohol content of wine from 2004 to 2009 and onwards.
 80. Police submit that the proportion of pure alcohol that is available for consumption in the form of beer has decreased considerably, from 75 per cent in 1962-63 to 41 per cent in 2012-13, however over the same period the proportion of wine has "increased from 12 per cent to 37 per cent", and spirits (including ready to drinks) from "13 per cent to 20 per cent".
 81. Police also discuss the issue of underage alcohol consumption in the Mosman LGA. Police provide a graph recording data maintained by Police at the level of the Mosman sector of the Harbourside LAC, being a report entitled *Under Age – Last Place of Consumption Report* between May 2014 and April 2015.
 82. Police submit that this local data indicates that during the relevant period 139 minors were detected consuming alcohol by police and of these "none were found consuming alcohol on licensed premises".
 83. Police further contend, on the basis of this report that of the 139 minors detected by Police, 33 were found drinking at home or someone's private residence and 96 (69 per cent) were found drinking in a public place.
 84. Police contend that this liquor would have been obtained from an outlet that allows for take-away liquor sales. Police submit that this data indicates that Mosman LGA "does have an issue" with minors consuming alcohol in public places and that granting this Application would be "detrimental" in that it will make "alcohol even more available to minors".
 85. Police also provide a graph from data held at the LAC level reporting *Number of People Linked to Last Place of Consumption Report* for the Mosman sector of the LAC between December 2013 and November 2014 for incidents of "assault".
 86. Police submit on the basis of this report that 55per cent of those persons involved in *alcohol related assaults* indicated that they had consumed alcohol at a "private residence" prior to the incident.
 87. Police also provide an *Alcohol Linking Monthly Report* for the Mosman sector of the LAC between December 2013 and November 2014 and Police contend that this data indicates that "40 per cent of all Assaults and 31 per cent of all Domestic Violence incidents" within the Mosman LGA were alcohol related which equates to:
 - 34 alcohol related assaults
 - 62 alcohol related domestic violence incidents.

88. Police submit that this data evidences a "problem with alcohol related crime in the Harbourside LAC". Police contend that "each and every new liquor licence approved contributes to these issues".
89. On the issue of complaints from local residents, Police submit that:
- Nearby residents to the Premises have "also highlighted similar issues identified by Police in terms of saturation and adverse impacts of additional licensed premises"
 - Police "continually receive calls from the public and nearby businesses in this area relating to issues of street drinking and disturbance"
 - It is estimated that these calls amount to "at least one call a day on weekends" but Police contend that "many more are affected but do not wish to call Police"
 - Police "attend more regularly without the need of being called in an attempt to proactively address the ongoing issues before it affects the residents and businesses concerned"
 - Police have "been informed" by local resident Mr G Knox that whilst walking his dog on Allan Border Oval and Military Road he "regularly has cause to pick up discarded empty alcohol bottles and cans" and that on one "recent occasion" was "forced to clean up vomit" from the front of the "Witchery" store which is located directly next door to the Premises.
90. Police observe that during the DA process for the Premises, no Police or community consultation was undertaken by Council with the community. Police contend that had this occurred Police would have advised Council "of an increase in anti-social behaviour, street drinking by minors and traffic issues the granting of a Development Consent for a bottle shop would create".
91. Polices submit that the local residents who have purchased home units within the same building as the Premises should have been made aware at the time of purchase that the toy store would be replaced by a packaged liquor licence – seeing as the Applicant for the liquor licence is also the owner and developer of this building and it appears to Police that the Applicant's intention was "always" to obtain a packaged liquor licence for this location.
92. Email from Sergeant Brendan Smith to the Applicant dated 4 March 2015 at 1:44pm: advising the Applicant that Police are still of the opinion that there are "already sufficient liquor outlets" in the Mosman area and Police "object" to any further packaged liquor licences in the Mosman area.
93. Police state that their reasons for this were outlined in the submission made to (then) OLGR (now) LGNSW for a previous application that was withdrawn by the Applicant due to non-compliance with the Liquor Regulations. [The Authority notes that Police have copied this previous submission into the email, however it makes similar points as the Police submission in relation to the current Application dated 23 June 2013].
94. Letter from the Applicant to Sergeant Brendan Smith dated 2 April 2015: responding to an email from Police dated 4 March 2015. In this 24-page letter, the Applicant responds to the Police submission, the key contentions or submissions may be summarised as follows:
- Council is "committed to ensuring that Mosman remains a viable and vibrant mixed-use centre of regional significance that provides a diversity of retail, commercial and other uses"
 - The proposed new liquor store is "compatible with the existing streetscape"
 - There are "multiple examples" of "retail liquor outlets on the ground floor of residential buildings"

- Police "cannot compare" the "small store" proposed business to a Dan Murphy's which incorporated over 1000 square metres of retail space (the Authority notes that Police do not expressly refer to *Dan Murphys* but have noted that a recent development application for a packaged liquor licence on a premises 100 metres away was refused by Council and the Land and Environment Court – this being an apparent reference to the proposed Dan Murphys store)
- The proposed businesses method of operation will be "community based" and will "blend into the established retail precinct with no adverse impact"
- Council has "carefully considered" the Premises for its intended use and have issued development consent for the use
- Packaged liquor service is "readily available throughout the local and broader Mosman community"
- The new licensed business will "not result in a change of existing consumers as to the type or quantity of alcohol to be consumed" as the Premises will "not introduce new drinks" and will only "*cannibalise*" sales made by the existing bottle shops
- The precinct surrounding the Premises is "clearly not only trading until 5:30pm" and the proposed store will operate within its development consent
- Although Police may have concerns as to public drinking in Mosman "there is no prevailing adverse alcohol related social impacts upon local amenity that has been identified and supported by data"
- BOCSAR data from 2009 to 2013 indicates "great reductions in alcohol-related offences" which has been confirmed by the *Harper Competition Policy Review Draft Report 2014*. [The Authority notes that the Applicant has not cited the page or section of the report for this contention]
- BOCSAR statistics for the categories of liquor related offences, Assault (*non-domestic violence*) and Assault (*domestic violence*) in the LGA of the Lower Northern Sydney Statistical Subdivision are "significantly lower than the NSW average" for the majority of offence categories recorded
- Any contended problem with public drinking at the Allan Border Oval "has not been supported by evidence"
- Police need to provide guidance on the prevailing conditions near the subject premises or in the Mosman area with detailed data and analysis in order to add value in the assessment of the Application
- The liquor market in Australia is a "mature one" and despite the "increasing density of licenced premises occurring year after year, that increase has had little to no effect on the level of alcohol consumption throughout Australia"
- There is "no evidence" that there is a "saturation" of retail packaged liquor licences in the suburb of Mosman
- Key indicators of crime statistics provided by BOCSAR are showing that Mosman is a responsible community which enjoys "low levels or rates of alcohol related assaults, weekend alcohol attributed incidents of assault and alcohol related assaults occurring on licensed premises"
- The operation of the new business on the Premises "will not contribute to the requirement of increased Police resources and it does not represent a threat to the quiet and good order of the neighbourhood"
- Crime statistics are showing that the rate of occurrence of alcohol related offences within the broader community are well below the rates for the State as a whole
- The proportions of *non-domestic violence related assaults*, *domestic violence related assaults*, *assault police events*, and *offensive conduct* incidents that were also recorded as "alcohol related" were consistently lower within the suburb of Mosman than the rates for NSW LGA as a whole. The Applicant provides the following rates for Mosman between October 2013 and September 2014:
 - Assaults (non-domestic violence): 141.9/100,000 people, compared to 483.7/100,000 people NSW average. Significantly lower for Mosman or 71 per cent lower than NSW average ("low risk" range)

- Assaults (domestic violence): 172.3/100,000 people, compared to 439.0/100,000 people NSW average. Significantly lower for Mosman or 61 per cent lower than NSW average ("low risk" range)
- Offensive conduct in 2013: 43.4/100,000 people, compared to 100.2/100,000 people NSW average. Significantly lower for Mosman or 57 per cent lower than NSW average ("low risk" range)
- Assaults Police in 2013: 6.8/100,000 people, compared to 41.8/100,000 people NSW average. Significantly lower for Mosman or 84 per cent lower than NSW average ("low risk" range)
- Harassment, threatening behaviour & private nuisance incidents: 182.4/100,000 people, compared to 398.7/100,000 people NSW average. Significantly lower for Mosman or 54 per cent lower than NSW average ("low risk" range).
- Mosman LGA is reporting "considerably lower levels" of alcohol related assault events and other forms of alcohol related disturbance, particularly offensive and antisocial conduct
- The new business on the Premises will provide "convenience" and "greater choice, range and value" for shoppers in the local community
- Mosman "cannot be compared to the inner city" by reason that inner city statistics are "unique" and the data set for this area is "accepted as being an outlier" to "any data in NSW". [The Authority notes that the Applicant does not specify the evidence or basis upon which this proposition is made]
- Overall (all ages) rates of injury and death from road accidents are "slowly falling" and "fewer deaths of young people" are part of this decline
- There is "no single cause or factor that leads to domestic violence"
- Levels of domestic violence are "significantly lower in Mosman compared to that of NSW as a whole"
- Police have "not quantified any prevailing adverse alcohol related social impacts" from "any existing packaged Liquor Licence in the Mosman area" that is having a direct result in any increased incidence of this type of offence
- BOCSAR data for alcohol related crime occurring in this local community and this broader community "reinforces our Application as there is no prevalence of alcohol related crime in Mosman"
- The Applicant supports the responsible service of alcohol and will administer measures in the proposed store to mitigate the risk to the public
- With rigorous application of the harm minimisation and responsible service of alcohol practices and policies at the proposed new store, it will play its part in minimising the incidence of alcohol related health problems in the local community and the broader community
- There has "not been any increase in the rate of domestic violence that correlates to the increase in licenced premise"
- "Recent research" is also showing that there is "NO link between Outlet Density and Violence" [The Authority notes that the Applicant does not specify the research in support of this contention but the Applicant does make reference to the *Harper Competition Policy Review Draft Report* released in September 2014 - which the Authority notes has been replaced by a Final Report and does not find that there is an absence of any link between outlet density and violence]
- There is "no evidence" that an "increase in retail liquor outlets will correlate with or result in an increase in alcohol related violence in the Australian community"
- There is "no evidence" surrounding "any of the Camperdown Cellars outlets located across Sydney" that "through the course of their normal business operations has resulted in any shift of any type of anti-social behaviour to areas surrounding each of the premises"
- There has "not been any evidence" to support Police arguments that the proposed business is "located in an area where there has been any appreciable level of

- alcohol related crime" or that packaged liquor outlets are "significant contributors to any such crime in Mosman"
- There is "no evidence" from BOSCAR crime data that there is a prevailing condition of "saturation" and "adverse impacts" occurring in the location of the proposed store
 - The new business on the Premises will "meet the objectives of the local retail precinct by serving the needs of people who live in, work in and visit the area, provide new employment opportunities and support the viability of the retail precinct"
 - In issuing its development consent, Council "considered and approved the environmental, social and economic impacts of the Consent"
 - The location of the proposed store does not conflict with any planning laws of concern to Council nor does it conflict with planning considerations of concern to NSW State Transit with regard to placement of their Bus Stops.
95. Email from Sergeant Brendan Smith to the Applicant dated 2 April 2015 at 7:26pm: The key contentions made by Police in this email are that:
- The Applicant has not addressed the issue that neighbours to the Premises and Police were not given the opportunity to make submissions to the DA process
 - Although it was Council who made the decision not to notify affected residents, the Applicant continues to rely upon the DA as an "explanation" for most of the identified issues that would be created by the bottle shop
 - The Applicant "cannot say" that careful consideration was put into the DA process if local residents were not given the opportunity to comment
 - The proposed bottle shop "will have an impact on the neighbours in relation to traffic, with people illegally parking in the bus stop out the front, or across driveways or in visitor parking in unit complexes"
 - Residents of the unit complex in which the new business will be located were not advised by the Applicant at the time of purchase of their units that the Applicant would make a bottle shop application once all the units were sold
 - The Applicant's submissions "do not clearly state solutions" but instead "down play or deny there is an issue"
 - Although alcohol related crime is "not as great as out west, there are still alcohol related issues in Mosman", and "the addition of another bottle shop will only add to the problem"
 - Alcohol related crime in the Mosman LGA is "lower than the Greater Western Sydney" and Police "would like to keep it that way"
 - Police "will oppose any application for a packaged liquor license in the Mosman LGA".
96. Email from the Applicant to Sergeant Brendan Smith dated 7 April 2015 at 3:47pm: In this 1-page email, the Applicant submits that it does not control Council and that neighbours "have had the opportunity to make their submissions in relation to the Application".
97. The Applicant submits that *the Applicant* has not identified "any evidence" of any prevailing alcohol related problems in Mosman and that all the BOSCAR data is "indicating the opposite". The Applicant submits that the community of Mosman is a "stable population" that is "enjoying alcohol responsibly" and that the commercial decisions of the building owner with respect to the site "are not matters for Police" but instead are "planning issues" which have been "dealt with through the DA process".
98. Email from Sergeant Brendan Smith to the Applicant dated 8 April 2015 at 6:46am: In this 3-paragraph submission, Police contend that:

- The idea of the CIS is for the Applicant to "prove" that the Premises will not have a detrimental effect on the community
 - It is the "responsibility of Police to ensure the safety of the community" and that this includes being involved in the DA process
 - Police "do not have a blanket approach" to these applications and judge "each on their merit"
 - The Applicant "has not addressed community" concerns as they have attempted to "down play or deny" there is a problem
 - The Applicant has not addressed the issues that saturation of alcohol outlets create'
 - The "only difference" between more affluent people is that they can "afford more expensive alcohol" or more of it
 - No "generic assertions" were used to describe any situation.
99. Email from the Applicant to Sergeant Brendan Smith dated 8 April 2015 at 2:55pm: In this 1-page email, the Applicant contends that they have "consulted with all objectors who have contacted Camperdown Cellars directly" and have "addressed their issues individually". The Applicant contends that they have made themselves available and provided detailed information requested along with crime and population statistics for the Mosman LGA which was also "supplemented with references to accepted research on alcohol" and the Applicants view that there "will unlikely be any harm to the local community".
100. The Applicant contends that "not all objections could be resolved to the satisfaction of each individual" however the "overwhelming concentration of objections" are from premises which directly adjoin, are directly opposite or directly behind the proposed site and that these objectors "continue to maintain their opposition" despite the information provided to them.
101. Submission from Licensing Sergeant Brendan Smith dated 10 December 2014 for a previous application that was withdrawn by the Applicant for non-compliance with the Liquor Regulations: In this 10-page submission letter made in response to the Applicant's [previous] application, Police make similar submissions to those that would be made in their letter dated 23 June 2015 in response to the [current] Application.
102. In addition, Police contend that the Applicant has "breached" requirements of the Liquor Regulations in relation to the CIS, where "occupiers of the neighbouring premises were not notified" of this [previous] application.
103. Email submission from local resident, Mr M Katsoulotos of Military Road Mosman, to Council dated 15 December 2014 at 7:51am: objecting to the Application and questioning why there had been no consultation from Council during the DA process. The writer makes the following key contentions:
- Military Road does not have adequate parking
 - There is no loading dock
 - There will be increased noise.
104. Submission from local resident, Mr G Knox of Upper Almora Street, to the Applicant dated 15 December 2014 regarding the previous application that was later withdrawn by the Applicant: In this two-page submission the writer objects to the previous application and makes the following key contentions:
- DA was granted without consultation and notification to local residents
 - The Applicant failed to issue notification within the 100 metre radius of the Premises
 - There are many submissions by local residents opposing the Application

- The CIS document is "inaccurate and misleading"
 - Sergeant Brendan Smith will be making a submission objecting to the Application on the basis of the already 8 packaged liquor outlets in the area and issues around public drinking within the vicinity of the Premises.
105. Email submission from local resident, Ms C Baird of Upper Almora Street Mosman, to the Applicant dated 14 February 2015 at 5:50pm: In this one-page submission, apparently made during the CIS consultation process, the writer objects to the Application. The key contentions made by the writer are:
- The proposed trading hours are much longer than the local shops seeing as most places shut at 5:30 or 6:00pm
 - The Applicant's Notice of Intention to make the Application failed to mention how many patrons the Premises intends to attract but this is presumably "hundreds in 76 hours of trading a week"
 - The proposed new business will contribute to an already recognised alcohol problem in Mosman
 - Mosman has the "highest rate of alcohol-attributable hospitalisations of any council are in Sydney metropolitan region"
 - Mosman is part of the top five Sydney LGA's for the "most alcohol-related admissions, even though these residents are otherwise the city's healthiest"
 - Mosman supports the local liquor accords.
106. Email submission from local resident Ms S Burdett, of Military Road, Mosman to the Applicant dated 16 February 2015 at 5:52pm: In this 1-page email, apparently made during the CIS consultation process, the writer opposes the Application and contends that:
- There are already two bottle shops within a 5-minute walk of the writer's residence
 - The residence of Mosman village "benefit from a variety of shops to enable us to carry out our daily activities and shopping" and another bottle shop "will be detrimental to the variety we need"
 - Parking is already an issue
 - There will be "unwanted additional noise" from the new business.
107. Letter from the Applicant to local resident Ms S Burdett of Military Road Mosman, dated 18 February 2015: In this 5-page letter, the Applicant responds to the submission from Ms Burdett dated 16 February 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015.
108. Submission from local resident, Ms J Park of Military Road, Mosman to the Applicant dated 18 February 2015: In this 1-page letter, apparently made during the CIS consultation process, the writer objects to the Application and makes the following key contentions:
- Residents were not notified of the DA granted by Council
 - There is no rear lane access for unloading as Ritchie Lane is a narrow one-way street
 - Parking is limited out the front
 - There are no parking areas in close proximity
 - This area of Mosman is already supplied with liquor outlets
 - Value of the residential real estate will decrease
 - The boutique stores surrounding the Premises close at 6:00pm.
109. Letter from the Applicant to local resident Ms J Park of Military Road Mosman, dated 18 February 2015: In this 5-page letter, the Applicant responds to the submission from Ms Park dated 18 February 2015. The key contentions made by the Applicant in the

response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015.

110. Email submission from local Mosman Resident Ms L Tomaszewski to the Applicant dated 20 February 2015 at 9:22am: In this 1-page submission, apparently made during the CIS consultation process, the writer objects to the Application and makes the following key contentions:
 - The proposed business will "disrupt" a residential area where all other shops close by 6:00pm
 - There is insufficient parking for the Premises
 - There is already a "very adequate" number of businesses selling liquor in the immediate Mosman area
 - The business will not be "viable" as a result of the other licensed premises within a 1km radius
 - There will be major disruption to residents due to deliveries
 - The proposed outlet "will not contribute to the ambience of the Mosman village shopping precinct".

111. Email submission from local resident, Ms M Lane of Military Road Mosman, to the Authority dated 21 February 2015 at 2:41pm: In this 4-paragraph submission the writer objects to the Application and makes the following key contentions:
 - The area is predominantly residential
 - There is a nursery school up the road from the Premises
 - It is not appropriate to have a liquor outlet in this location
 - Parking is already an issue
 - The traffic that will be generated will "seriously impact on the residential amenity and seriously aggravate the extensive traffic problems that already exist".

112. Email submission from local resident, Ms R Vandervaere of Military Road Mosman, to the Applicant dated 23 February 2015 at 3:27pm: In this submission, apparently made during the CIS consultation process, the writer states, "I welcome your proposed outlet and disagree with the objections raised by other residents".

113. Email submission from Mr P Worth, to the Applicant dated 23 February 2015 at 3:34pm: In this 1-page submission, apparently made during the CIS consultation process, the writer objects to the Application and makes the following key contentions:
 - The location of the Premises is "very poor"
 - All deliveries and pick-ups will have to be done via the front entrance on Military Road seeing as the back laneway is a narrow, one way and has no parking
 - Deliveries via Military Road will cause problems as there is no parking directly in front due to the bus stop
 - The Premises will likely produce an abundance of empty cardboard
 - There are no rubbish storage areas at the rear of the Premises
 - There are too many liquor outlets for this location as there are three within walking distance
 - The trading hours proposed will affect the peace and quiet of the surrounding properties and trading hours will increase by 17 hours
 - The volume, frequency and duration of traffic along Ritchie Lane will increase
 - The proposed business will create a more hostile environment in the lane way where elderly residents walk.

114. Letter from the Applicant to Mr P Worth dated 24 February 2015: In this 5-page letter, the Applicant responds to the submission from Mr Worth dated 23 February 2015. The key contentions made by the Applicant in the response include similar contentions as to the

response sent by the Applicant to Mr and Mrs Lane dated 25 February 2015, which is outlined in greater detail above.

115. Letter from local resident, Ms K Knox of Upper Almora Street Mosman, to the Applicant dated 24 February 2015: In this two-page submission, apparently made during the CIS consultation process, the writer makes the same key contentions as those expressed in their other submission dated 3 July 2015.
116. Submission from Ms M Lederman via telephone to the Applicant and recorded in writing by the Applicant dated 24 February 2015: In this submission, apparently made during the CIS consultation process, the Applicant contends:
 - Ms Lederman objected to the *Dan Murphy's* proposal and will object to any other liquor store application regardless of the operator
 - Ms Lederman believed the proposed trading hours are excessive
 - Ms Lederman has lived at her current address for over 20 years and has seen the traffic congestion increase considerably
 - Ms Lederman would like to retain the current village atmosphere of Mosman
 - Ms Lederman was not aware of the location of the Premises, its method of operation or the size of the store and was not interested in being provided any detail either
 - Ms Lederman indicated that she would continue to make a blanket objection if the Application was progressed
 - Ms Lederman indicated that Vintage Cellars located in Mosman was "more than sufficient to meet the needs of the community"
 - Ms Lederman indicated that she would "continue to oppose the Application" and did not wish to be contacted by the Applicant after the submission was recorded.
117. Letter from the Applicant to Ms Tomaszewski, local residents of Mosman, dated 25 February 2015: In this 6-page letter, the Applicant responds to the submission from Ms Tomaszewski dated 20 February 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015. The Applicant has included the following additional points *inter alia* that:
 - The proposed business will "not result in a change of existing consumers as to the type or quantity of alcohol to be consumed"
 - The children attending the Primary School are "highly unlikely" to attend the Premises unattended by an adult, and the High School is on the other side of the road and is segregated from the Premises by a "natural geographical barrier" which is Military Road
 - Trading volumes will be "small but will be of higher value".
118. Email submission from local Mosman Resident Ms L Tomaszewski to the Applicant dated 25 February 2015 at 11:57am: In this four-paragraph submission responding to the letter from the Applicant dated 25 February 2015, apparently made during the CIS consultation process, the writer contends that the "long-winded justifications" provided by the Applicant do not actually address her concerns. The writer:
 - Questions whether it is appropriate to have "yet another bottle shop" in such a "small area"
 - Questions whether the products to be sold by the new liquor store "differs that much from the others".
119. Letter from the Applicant to local resident Ms K Knox of Upper Almora Street Mosman, dated 25 February 2015: In this seven-page letter, the Applicant responds to the submission from Ms Knox dated 24 February 2015. The key contentions made by the

Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015.

120. Submission from local residents, Mr L and Mrs M Gock of Military Road Mosman, to Council dated 25 February 2015: In this two-page submission, apparently made during the CIS consultation process, the writer's object to the Application. The key contentions made by the writers are:
- Council has not advised of any DA application
 - The local marketplace is "over serviced" by existing liquor outlets "totalling eight within an approximate 1.5km radius and five of those within 500 metres of the proposed site"
 - An application for a liquor outlet within 500 metres of the Premises was "recently rejected" by the Land and Environment Court
 - The Premises is surrounded by "fashion, home wares and children's stores, day spas and cosmetic companies with a high component of new residential above" and the trading hours for these businesses is no later than 5:30pm
 - The trading hours would be "inappropriate and inconsistent with other businesses in the immediate area"
 - The Premises is located "near" Memorial Park which includes a children's playground and Allan Border Oval
 - Deliveries could occur via the rear laneway but this is the only way residents can access their parking facilities and there is no parking at any time
 - If deliveries are intended to be delivered through the front of the Premises this will be limited by "the difficult access"
 - During the day traffic on Military road is often at a standstill
 - There will be an increase in garbage trucks in the back lane, more waste left on Ritchie Lane each night and more noise generated through the removal of bottle waste.
121. Letter from the Applicant to Mr A and Mrs M Lane, local residents of Muston Street Mosman, dated 25 February 2015: In this five-page letter, the Applicant responds to the submission from Mr and Mrs Lane dated 21 February 2015. The key contentions made by the Applicant in the response include *inter alia* that:
- Blanket objections to liquor licenses are "unfair and unreasonable"
 - The proposed business is a "fine wine outlet" that will trade in the "European model" of a wine store
 - There is a "lack of choice" in the Mosman area because it is "dominated by chain stores with limited range, poor service, and no point of difference"
 - The Applicant's stores are "supported greatly by Mosman residents"
 - There is a "community need" for a licence in the area that is "based on fine wine and imported wine in particular"
 - The proposed new business will "offer a point of difference and choice"
 - The package liquor licensed premises in Mosman are "not" located "near" the Premises
 - Council "carefully considered" the Premises, its suitability and likely impact before granting the DA
 - The proposed store is "compatible with the existing two storey Federation streetscape"
 - The situation of licensed premises within shopping environments is "neither unusual nor inappropriate"
 - The proposed business will "meet the objectives of the local retail precinct by serving the needs of people who live in, work in and visit the area, provide new employment opportunities and support the viability of the retail precinct"
 - The proposed store will operate pursuant to the DA and will provide convenience, greater choice, greater range and value for shoppers

- The proposed store is "located in close proximity to public transport options with significant on-street public parking within an established commercial precinct"
 - The site has been designed to receive deliveries from the Military Road frontage
 - No deliveries or loading of goods will occur at the rear of this site
 - Delivery vehicles will utilise the dedicated parking and loading zones along Military Road
 - Deliveries will typically be 10 cartons or less and will typically be made in small vans
 - All deliveries will occur during proposed trading hours.
122. The Applicant then lists a number of the contended public interest benefits which are discussed below in the Authority's summary of the Applicant's case on social impact.
123. Letter from the Applicant to local resident's Mr and Mrs Gock of Military Road Mosman, dated 25 February 2015: In this 7-page letter, the Applicant responds to the submission from Mr and Mrs Gock dated 25 February 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015.
124. Email submission from local resident, Mr M Katsoulotos of Military Road Mosman, to Council dated 26 February 2015 at 9:22pm: The writer objects to the Application and makes the following key contentions:
- There are seven liquor shops located within a four kilometer radius of the Premises
 - Military Road is "already extremely busy"
 - There is insufficient parking to serve the Premises
 - There will be more traffic congestion
 - The Premises is surrounded by residential apartments
 - There are no loading dock facilities
 - The rear lane is used by residents to access their garage parking
 - The night trading hours proposed "do not fit in with the surrounding shops which are all clothing, apparel, footwear with normal daytime trading hours"
 - There is a medical centre located a "few hundred metres" away
 - Many youths in the area are "already intoxicated and roaming the streets at night"
 - Noise from the new business "would be a concern"
 - There is another bottle shop located "a few hundred metres down the road"
 - There is "no need" for another venue
 - The Premises is located "very close to Mosman public school".
125. Letter from the Applicant to local resident Ms C Baird of Upper Almora Street Mosman dated 26 February 2015: In this 6-page letter, The Applicant responds to the submission from Ms Baird dated 14 February 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015. The Applicant has included the following additional points *inter alia* that:
- It is "highly unlikely" that there will be any "unwanted noise" created from the site as all sales are take-away only
 - Compared to restaurants and wine bars operating on Military Road, there will be "no impact from noise" at the proposed business
 - The Applicant will participate in any local accord for the Mosman area should the Application be granted
 - The patron numbers of the Premises is "not relevant" to the Application as the proposed business is not an entertainment or on-premise operation
 - The Applicant acknowledges the report referred to in the writer's submission (NAAPA & NLGDA Committee Community Forum 24/10/2013) and "accepts the findings"

- Research indicates that there is "no direct causal relationship between alcohol and violence"
 - With rigorous application of the harm minimisation and responsible service of alcohol practices and policies at the proposed store, it will play its part in minimising the incidence of alcohol related health problems in the local community and the broader community.
126. Submission from local residents, Mr L and Mrs M Gock of Military Road Mosman, to the Applicant dated 28 February 2015: In this 2-page submission, apparently made during the CIS consultation process, the writers object to the Application. The key contentions are:
- Their recent submission dated 25 February 2015 is not a blanket objection to liquor stores
 - The licenced trading hours of the Premises are "undesirable" in a residential precinct
 - There is "no immediate need" for more liquor outlets as "we are more than adequately serviced by packaged liquor stores in Mosman"
 - Many of the Mosman High School students "walk right past" the Premises morning, afternoon and evening
 - Police will comment on other issues including the problems of youth drinking at the Allan Border Oval
 - No affected residents or property owners were informed of the DA application made to Council
 - During the Council meeting when Council was considering the DA to develop the site into high end residences with commercial premises below, the developers who are also the owners of Camperdown Cellars assured Council that they were not planning to open a liquor store and that Kidstuff would return to the site.
127. Email submission from local residents, Mrs F Biondi and Mr P Hanscomb of Military Road Mosman, to the Applicant dated 1 March 2015 at 2:56pm: In this 3-page submission, apparently made during the CIS consultation process, the writers object to the current Application and make similar contentions in this email as those expressed in their submission dated 2 July 2015.
128. Email submission from local resident, Mrs F Biondi of Military Road Mosman, to Council dated 1 March 2015 at 3:10 pm: In this 1-paragraph submission, apparently made during the CIS consultation process, the writer contends that there is "unanimous objection" to the Application by the tenants in the surrounding shops and all of the writer's neighbours to the effect that during the previous application (which was later withdrawn) the Applicant had failed to provide communication to the local community or the neighbourhood and that the CIS contained incorrect information.
129. Submission from local residents, Mr L and Mrs M Gock of Military Road Mosman, to Council dated 1 March 2015 at 4:12pm: apparently made during the CIS consultation process, in which the writers request Council review the matter bearing in mind that the neighbouring residents and property owners were not notified of the application for DA 8.2011.194.1.
130. Letter from the Applicant to local resident Mr M Katsoulotos of Military Road Mosman, dated 1 March 2015: In this 8-page letter, the Applicant responds to the submission from Mr Katsoulotos dated 26 February 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015.

131. Letter from the Applicant to local residents Mr and Mrs Gock of Military Road Mosman, dated 2 March 2015: In this 2-page letter, the Applicant responds to the submission from Mr and Mrs Gock dated 28 February 2015 and makes submissions on the points of objection, the unlikely negative impact of the trading hours, the poorly serviced area of Mosman in respect of specialist retail wine outlets, harm minimisation measures to prevent youth drinking and Council's requirements in relation to development consent.
132. Letter from Mr G Knox Managing Director, KP Investments Pty Limited (the owner of two retail premises located at 778-782 Military Road Mosman) to the Applicant dated 2 March 2015: In this 1-page submission, apparently made during the CIS consultation process, the writer objects to the Application and makes the following key contentions:
- The proposed new business is located within a 400-500-metre-long retail area and that the liquor store is "an entirely unsuitable area for a take away liquor store"
 - A liquor store in the proposed location would have a "negative financial impact on all outlets within the immediate precinct"
 - Deliveries would increase
 - There is "inadequate" parking and a lack of loading zones on Military Road
 - The closest loading zone is on the other side of the road and is approximately 100+ metres to the west
 - Loading and unloading via Ritchie lane would be "inappropriate" as it is a no parking, one way, narrow lane
133. Letter from local resident, Mr G Knox of Upper Almora Street Mosman, to the Applicant dated 2 March 2015: In this 1-page submission, apparently made during the CIS consultation process, the writer objects and makes the following key contentions:
- The Premises is located within an area where other retail premises operate after normal trading hours
 - The Premises is unsuitable for the area considering the other types of businesses nearby
 - Military Road has inadequate parking and a lack of loading zones and the rear lane has no parking and would be inappropriate for deliveries
 - There is already an over-supply of liquor outlets in Mosman
 - There is currently a very serious problem of under age and public drinking in Mosman and the Premises is located "within 100 metres" of a renowned hot spot at Memorial Park and Allan Border Oval
134. Letter from local residents, Mr R and Mrs M Letherbarrow of Muston Street Mosman, to the Authority dated 2 March 2015: In this 2-page submission the writer's object to the Application and make the following key contentions:
- Allan Border Oval is less than 200 metres away
 - There is a small park at the intersection of Ritchie Lane and Maleleuca Lane which is less than 100 metres from the Premises
 - There is no parking in Ritchie Lane
 - There is no loading zone parking in Military Road
 - Deliveries are to be via Ritchie Lane which has no parking and no standing, is a one-way lane and is used to provide access for parking to residents
 - No notice was received of the application made to Council or the DA granted in 2012
 - There are seven liquor outlets already in Mosman "within walking distance"
 - Should the Application be granted the writers are concerned that "an undesirable element of people will come into this very quiet and established residential area, to the detriment of the neighbourhood and residents".
135. Email submission from local residents, Mr K and Mrs M Cowley of Military Road Mosman, to the Applicant dated 3 March 2015 at 1:00pm: In this 1-page submission,

apparently made during the CIS consultation process, the writers object to the current Application and make similar contentions in this letter as those expressed in their submission dated 7 July 2015 outlined in further detail above.

136. Submission from local resident, Ms N Denniss of Military Road, to the Applicant dated 3 March 2015 at 12:58pm: In this 1-page submission, apparently made during the CIS consultation process, the writer objects to the Application and makes the following key contentions:
- The writer received "no notice" regarding the DA approved by Council
 - Before purchasing her apartment the writer was assured by the Applicant, who is also the developer of the apartments, that the toy shop "would be staying"
 - This change in use of the Premises from a toy shop to a liquor store could end up leaving the writer (who is an "elderly single woman") "vulnerable and fearful of going out in the evening because of the possibility of undesirables attracted by this change"
 - There is "already a security concern" relating to a door from the Premises leading into the ground floor of the residential area where the toilets are located being left propped open
 - The rear lane behind the Premises is one way, has no parking and delivery vehicles would "block the lane"
 - The toy shop currently has access to two parking spots in the basement and it is concerning seeing as anyone given access to the basement "would also have access to the lift and residential area"
 - Disposal of waste "will also become an issue"
 - Staff of the toy shop do not clean the toilet and residents were recently forced to organise for the toilet to be cleaned "in order to negate a health issue"
 - The foot traffic from the proposed business "would be a much bigger problem"
 - The extended trading hours of the proposed business "would attract noise and disruption in this otherwise quiet neighbourhood"
 - Mosman already has 8 liquor outlets
 - Mosman also has a "teenage drinking problem".
137. Submission from local residents, Mr V and Mrs V Winley of Military Road Mosman, to the Applicant dated 3 March 2015: In this 2-page submission, apparently made during the CIS consultation process, the writers object to the Application and make the following key contentions:
- There is a lack of need of additional bottle shops in this location as the four bottle shops operating within a 600 metre radius of the Premises "provide more-than-adequate bottle shop facilities"
 - The proposed business would increase noise levels experienced by nearby neighbours in the evenings
 - The original DA for the Premises excluded restaurants and other late-trading businesses
 - There will be a lack of parking
 - Traffic congestion will be increased
 - There is no delivery access seeing as Ritchie Lane is one-way, narrow and stopping would block the lane and the basement parking of the building has a low height entrance
 - An application for a *Dan Murphy's* bottle shop on Military Road was rejected by Council and this rejection was later confirmed by the Land and Environment Court on the grounds that traffic, parking and noise impact on residents would be unreasonable
 - The Applicant made a previous liquor licence application (which was later withdrawn) and the CIS submitted with that application contained "incorrect and/or misleading statements".

138. Letter from the Applicant to local resident's Ms G Radd, Ms N Dennis, Mr K Cowley and Mrs M Cowley of Military Road Mosman, dated 3 March 2015: In this 7-page letter, the Applicant responds to the submission from these residents dated 3 March 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015.
139. Letter from the Applicant to local residents Mr and Mrs Winley of Military Road Mosman dated 4 March 2015: In this 4-page letter responding to the submission received from Mr and Mrs Winley dated 3 March 2015, the Applicant makes submissions on the lack of need, increased noise, increased traffic, lack of parking and delivery access, the precedent for this application, the Applicant's credibility and information about Council's zoning of Mosman Junction and the Town Centre.
140. The key contentions made by the Applicant in the response include *inter alia* that:
- There is a "lack of choice in the Mosman area because it is dominated by chain stores with limited range, poor service, and no point of difference"
 - There is a "need for a specialty operator"
 - The package liquor licensed premises in Mosman are "not" near the Premises
 - Council "carefully considered" the Premises, its suitability and likely impact before granting the DA
 - A "community based retail outlet" cannot be compared to a national chain store
 - The proposed store will operate pursuant to the DA and will provide convenience, greater choice, greater range and value for shoppers
 - Any comments made in the Applicant's statement of impact which do not agree with any member of the community "do not automatically" make those comments misleading
 - The Applicant's views are formed on the basis of "research and consultation with the community"
 - There was no inadequacy with the previous application that was withdrawn, the reason it was cancelled was that an employee in the existing Kidstuff store "inadvertently removed the Notice while cleaning the windows"
 - Licensed premises within shopping environments is "neither unusual nor inappropriate".
141. Email submission from, local residents, Mrs W and Mr A Town, to the Applicant dated 4 March 2015 at 2:26pm: In this email, apparently made during the CIS consultation process, the writer objects to the Application. The key contentions are:
- Mosman already has eight liquor outlets
 - This area has no late trading
 - There are no loading zones in this area and there is a bus stop out front of the Premises
 - Deliveries are "impossible" from the rear lane as there is no parking and it is one lane incorporating a bike lane.
142. Letter from the Applicant to Mr and Mrs Town dated 4 March 2015: In this 5-page letter, the Applicant responds to the submission from Mr and Mrs Town dated 4 March 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to M A and Mrs M Lane dated 25 February 2015. The Applicant has included the following additional points *inter alia* that:
- The proposed store will "cannibalise sales made by existing bottle shops" and redistribute market share
 - The liquor market in Australia is a mature one and despite the increasing density of licenced premises occurring year after year, that increase has had "little to no effect" on the level of alcohol consumption throughout Australia

- The Mosman community "scores extremely high on the Index of Relative Socio-Economic Disadvantage"
 - On the ABS SEIFA index, "Mosman has the second highest index score in Sydney at 1130.1"
 - The proposed licensed trading hours are "not excessive".
143. Letter from the Applicant to Mr G Knox Managing Director, KP Investments Pty Limited (the owner of two retail premises located at 778-782 Military Road Mosman), dated 4 March 2015: In this 3-page letter, the Applicant responds to the submission from Mr Knox dated 2 March 2015 and makes submission on the location of the business, various competition parking and deliveries.
144. Submission from local resident Ms L McGuire of Military Road Mosman to the Applicant dated 4 March 2015 at 4:51pm: apparently made during the CIS consultation process, objecting to the Application for the following reasons:
- The location is a high end residential area and there is currently no late trading with the current retail shops
 - There are no loading zones for delivery
 - There will be loss of public amenity to residents and increased noise and parking issues
 - Congestion will be created due to no on-site parking for customers or delivery
 - Located in B1 neighbourhood zone, retail therefore needs to be "small scale" and have "no impact on residents"
 - The undertaking of the original application which was later cancelled was "underhanded and misleading"
 - There are already too many liquor shops in Mosman
 - *Dan Murphy's* is still trying to gain approval of development consent through the Supreme Court for the operation of a new facility in Military Road
 - The proposed business on the Premises will help to facilitate youth alcohol consumption in the area.
145. Submission from Ms A Chan Senior Strata Manager of Bright & Duggan Pty Limited the strata managing agent for SP 75253 762-768 Military Road Mosman, to Council dated 5 March 2015: In this 2-page submission, apparently made during the CIS consultation process, the writer objects to the Application. The key contentions are:
- There is "more than sufficient supply of alcohol in the area and there is no demonstrated need or demand for an additional bottle shop in the neighbourhood"
 - The proposed business would be "significantly detrimental" to the peace and quiet enjoyed by residents in the neighbourhood in evenings seeing as no other retail premises in the immediate vicinity trade to 8:00pm or 9:00pm, seven days a week
 - Noise levels would be increased from the new business especially in the evenings
 - The original DA for 762-768 Military Road specifically excluded restaurants and other late-trading businesses for that site
 - The premises would "add an unreasonable burden" on the already very congested Military Road
 - There is a lack of parking available for the new business
 - Deliveries via Ritchie Lane would block the car lane and would deny residents would be denied access to their homes on frequent occasions
 - An application for a *Dan Murphy's* bottle shop on Military Road was rejected by Council and this rejection was later confirmed by the Land and Environment Court on the grounds that traffic, parking and noise impact on residents would be unreasonable
 - The Applicant made a previous application (which was later withdrawn) and the CIS submitted with that application contained "incorrect and/or misleading statements".

146. Letter from the Applicant to Ms L McGuire of Military Road Mosman, dated 5 March 2015: In this 6-page letter, the Applicant responds to the submission from Ms McGuire dated 4 March 2015 and makes submissions on the location of the Premises, deliveries, the considerations made by Council during the DA process, congestion created by customers, the zoning of the neighbourhood, the original application that was later withdrawn, licence density and issues relating to youth drinking.
147. Email submission from Ms D Friend to the Applicant dated 5 March 2015 at 9:35am: In this submission, apparently made during the CIS consultation process, the writer states "we are a quiet residential area" and contends that another outlet is not required, there is enough drinking in the area and there are "many liquor outlets".
148. Letter from the Applicant to local resident Ms F Biondi of Military Road Mosman dated 5 March 2015: responding to the email from Ms Biondi dated 1 March 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015.
149. Letter from the Applicant to local resident Mr G Knox of Upper Almora Street Mosman, dated 5 March 2015: In this 6-page letter, the Applicant responds to the submission from Mr Knox dated 2 March 2015 and makes submission on the trading hours of the proposed business, the location of the business within the established retail precinct, parking and delivery access, the community need, the oversupply of liquor outlets and the issue of underage drinking.
150. Letter from the Applicant to Ms A Chan, Senior Strata Manager of Bright and Duggan dated 6 March 2015: In this 4-page letter responding to the submission received from Ms Chan dated 5 March 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Winley dated 4 March 2015.
151. Letter from the Applicant to local resident Mrs O Gough of Military Road Mosman, dated 7 March 2015: In this four-page letter, the Applicant responds to the submission from Mrs Gough dated 6 March 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015.
152. Letter from four local residents of Bella Vista Towers, Military Road Mosman, to the Authority dated 8 March 2015: Four residents who object to the Application, have signed this 3-page letter. The writers make the following key contentions:
- The conduct of the business would "generally be detrimental to the wellbeing of the immediate local community"
 - The proposal is "likely to negatively change the tone, and therefore the wellbeing of the local community"
 - There is "already a sufficient number and variety of liquor outlets in the vicinity"
 - Traffic and associated noise would be increased
 - This type of business "is not consistent with the current retail/residential mix"
 - There is already "insufficient parking in the immediate block and area"
 - Public transport facilities in the immediate vicinity would likely be impacted
 - The proposed business is "not consistent with existing retail outlets" especially with the "extended trading hours"
 - Two similar outlets operate at Spit and Mosman Junctions
 - There are two commercially licenced hotels nearby as well as the Mosman RSL Club in Military Road
 - There is "very adequate coverage of alcohol availability already"

- The proposed business would "prolong the heavy traffic period and the associated noise"
 - The proposal would further exacerbate the parking problems that already exist
 - Any changes to the free bus that stops at the bus stop immediately outside the Premises would "cause an outrage"
 - Current community transport conveniences, such as the free bus, restrict customer parking
 - The already limited short-term parking is currently "at a premium"
 - Additional customer traffic would add to short-term parking issues, increase existing congestion and add to safety risks already associated with the pedestrian crossing
 - Delivery vehicles often limit resident egress from the apartment building driveways and additional delivery vehicles would "make this even worse"
 - Children from the nearby public primary and secondary schools "frequent this area".
153. Letter from local resident, Mr G Harrod of Muston Street Mosman, to the Applicant dated 8 March 2015: The writer objects to the Application in this three-page submission and makes the following key contentions:
- The Mosman area is already over serviced with eight liquor retail outlets
 - The ready access to liquor already contributes to alcohol consumption issues in public places such as Allan Border Oval
 - The area is already littered with discarded and broken alcohol bottles and cans
 - The site of the proposed business is not consistent with the surrounding retail environment
 - The proposed site is "not suited to operating a packaged liquor retail outlet"
 - There will be delivery issues, waste issues and customer parking issues
 - The Premises is located "in close proximity" to medical facilities, sporting grounds, schools and child care centres.
154. Letter from Mr G Knox Managing Director of KP Investments Pty Limited (the owner of two retail premises located at 778-782 Military Road Mosman) to the Applicant dated 9 March 2015: apparently made during the CIS consultation process, replying to the letter from the Applicant dated 2 March 2015. In this 2-page submission the writer objects to the Application and makes the following key contentions:
- Council "erred" in approving the DA without any notice to the local community
 - The change of use from a toy store to a liquor outlet is a "contentious issue"
 - The DA was granted by a trainee planner
 - The change of use is "purely a commercial decision"
 - The boutique area of Mosman, where the Premises is located is not a suitable location for a packaged liquor store and all retail outlets in this area close at 5:30pm weekdays and 4:00pm on a Sunday
 - If Mosman shoppers are looking for a "full range of services" they know where to go – ie, the Village
 - The ladies fashion shops congregate in an area for financial benefit and are not fond of being in a general area making the proposed location a "totally unsuitable location for a packaged liquor outlet"
 - There is an under-age and public drinking problem that exists within the immediate area
 - The Premises is within approximately 150 metres to Mosman High School and within the same distance to Allan Border Oval.
155. Letter from the Applicant to Mr G Knox Managing Director of KP Investments Pty Limited (the owner of two retail premises located at 778-782 Military Road Mosman), dated 10 March 2015: In this 2-page letter, the Applicant responds to the submission from Mr Knox dated 9 March 2015 and submits that the notion that the DA process was

flawed is "offensive" and that the Applicant has responded to all items raised in previous letters.

156. Submission from local resident, Mr J Drivas of Military Road Mosman, to the Applicant sent via email dated 11 March 2015 at 11:07pm: In this two-page submission, apparently made during the CIS consultation process, the writer objects to the Application. The key contentions made by the writer who is also the owner of the entire building next door to the Premises, are:

- There was no communication around the DA issued by Council and dated
- 4 January 2012
- The writer would have objected to the DA
- The CIS at the time of the DA process was "not true in terms of the community having been notified and consulted"
- There is already an oversupply of liquor outlets in the local area
- The proposed business has trading hours that are "not keeping in line with the existing retail profile" in this section of Mosman who close by 5:30pm
- The proposed business will "change the dynamics" of the quiet environment of the local area
- Feedback has been received that the "only disturbance at night in this area is alcohol related with people exiting from the various drinking outlets that already operate in the immediate area"
- Deliveries via the back lane will not be appropriate
- Deliveries from the front of the Premises are not possible as there is no loading zone and there is a bus stop directly out front of the Premises
- Other shops are "very dependent on the limited short term parking that allows their clients to easily access their premises"
- Removal of waste will be an issue in terms of the volume of waste and the noise levels associated with the removal of bottle/glass products
- There are concerns that breakages of bottles/glass products during the removal process will present a hazard to tenants, possible damage to their cars and possible collateral damage to the building.

157. Letter from the Applicant to Mrs S Knox of Upper Almora Street Mosman, dated 11 March 2015: In this 8-page letter, the Applicant responds to the submission from Mrs Knox dated 10 March 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015. The Applicant has included the following additional points *inter alia* that:

- The previous application was cancelled because an employee in the existing Kidstuff store "inadvertently removed the Notice while cleaning the windows" and failed to reinstate it
- The Notice of Intention dated 18 September 2014 for the previous application which was later cancelled, were hand delivered to neighbouring premises within the notification zone
- The *Kidstuff* enterprise have been given very clear instructions to direct all enquiries to the Applicant whose details are on the Notice
- The overwhelming majority of objections are not made from the "general community"
- The proposed "small store" business "cannot" be compared to *Dan Murphy's* which incorporated over 1000 square metres of retail space
- BOCSAR data shows that between 2009 to 2013 alcohol related incidents of domestic violence assault and non-domestic violence assault for the Mosman LGA is "significantly lower" than the NSW average
- There is no evidence surrounding any of the Camperdown Cellars outlets located across Sydney that through the course of their normal business operations has

- resulted in any shift of any type of anti-social behaviour to areas surrounding each of the premises
- There is no evidence that an increase in retail Liquor outlets will correlate with or result in an increase in alcohol related violence in the Australian community in light of the clear evidence that alcohol-related harms in the community have declined during a period when consumers have benefited from increased availability, lower real costs, and increased competition through exposure to alcohol marketing.
158. Letter from the Applicant to local resident Mr G Harrod dated 11 March 2015: In this 11-page letter the Applicant responds to a submission from Mr Harrod dated 8 March 2015 and discusses "existing licences", "site suitability", "operations", "proximity to sensitive locations" and other relevant information including BOCSAR data and ABS SEIFA statistics.
159. The Applicant concludes by contending that the proposed business "will meet reasonable public expectation and will form part of ordinary life in the established retail area and that of the neighbourhood".
160. Email submission from local residents, Mr D and Mrs K McCluskey of Muston Street Mosman, to the Authority dated 11 March 2015 at 12:01am: objecting to the previous application (that was later withdrawn by the Applicant). The Authority notes that the submissions made by the writers in this email are similar to those made in their submission dated 20 July 2015 for the current Application.
161. Email submission from local resident, Mr P Meurer of Almora Street Mosman, to the Authority dated 11 March 2015 at 9:03am: objecting to the Application and making the following key contentions:
- There are more than enough liquor outlets in the nearby vicinity
 - The proposed business is "not consistent with the developing village residential nature of the area"
 - There is already a growing public drinking/underage drinking problem in the area as it is close to public open spaces and parks
 - The Premises will increase delivery, traffic and waste problems.
162. Email submission from local resident, Mr P Meurer of Almora Street Mosman, to Council dated 11 March 2015 at 8:31am: objecting to the Application and making the following key contentions:
- The Application's purpose is "not consistent with the emerging residential and retail make-up of the area concerned
 - Another liquor outlet is "not needed" in Mosman
 - The effect of public and under-age drinking is already evident
 - Often on Saturday and Sunday morning "empty bottles, cartons and cans are left around the entrance" to the writer's apartment building
 - The Allan Border Oval, the Memorial Park and the public space at Spit Junction is becoming an issue, "hotspot" for public and under-age drinking
 - The Premises will create delivery, traffic and waste problems.
163. Letter from Mr G Knox Managing Director of KP Investments Pty Limited (the owner of two retail premises located at 778-782 Military Road Mosman) to the Applicant dated 12 March 2015: In this 1-page submission, apparently made during the CIS consultation process, the writer responds to the letter from the Applicant dated 10 March 2015, objects to the Application and makes the following key contentions:
- Council failed to notify local resident of the DA and gave "scant" consideration to the social implications of the application
 - An application for a packaged liquor outlet deserves more serious consideration

- Many if not all of the residents on the Balmoral Side of Military Road - from Upper Almora Street to the Bed Bath & Table location "were not notified" of the initial application that was later withdrawn.
164. Submission from local residents, Mr V and Mrs V Winley of Military Road Mosman, to the Applicant dated 12 March 2015: In this 2-page submission, apparently made during the CIS consultation process, the writers respond to the submission from the Applicant dated 4 March 2015. They object to the Application and make the following key contentions:
- The Applicant's definition of what is "near" the Premises as applying to sites that are not more than a 100 metre radius is "not a credible argument"
 - The liquor application is different to the application to Council which led to the granting of the DA
 - The Applicant cannot simply ask the Authority to "rubber-stamp" a Council's development decision especially in circumstances where the Council decision was made without seeking local resident's opinions
 - *Camperdown Cellars* is a chain store - albeit not as large as *Dan Murphy's*
 - Advice from the NSW Police Licensing Co-Ordinator stated that the previous application was withdrawn "due to the failure to notify residents"
 - There is no parking allowed in Ritchie Lane
 - There are no car parks nearby
 - There are no through-site arcades in the vicinity.
165. Letter from the Applicant to local resident Mr J Drivas of Military Road Mosman, dated 12 March 2015: In this 9-page letter the Applicant responds to the submission from Mr Drivas dated 8 March 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015. The Applicant has included the following additional points *inter alia* that:
- Kidstuff currently receives deliveries to its premises and the frequency of their deliveries is far greater than Camperdown Cellars
 - There is no community issue with Kidstuff operations or deliveries
 - A review of BOCSAR data for the period 2009 to 2013 is indicating great reductions in alcohol-related offences over the period 2009-2013.
166. Letter from the Applicant to local residents Mr and Mrs Winley of Military Road Mosman, dated 13 March 2015: In this 2-page letter, the Applicant responds to the submission from Mr and Mrs Winley dated 12 March 2015 and makes submissions on the interpretation of the requirement to issue notices to premises "near" the proposed store, the development consent issued by council, the difference of the proposed store to a chain store, the clarification of misinformation and parking in Ritchie Lane.
167. Letter from the Applicant to Mrs S Knox of Upper Almora Street Mosman, dated 13 March 2015: In this 2-page letter, the Applicant responds to the submission from Mrs Knox dated 13 March 2015. The Applicant has attached the following to this letter:
- Email from Ms S Knox to the Authority dated 15 January 2015 – notifying the Authority that the advertising sign for the original application had been removed from the Premises window
 - Email from Authority staff to the Applicant dated 23 January 2015 - detailing the reason for cancellation of the original application
 - Supplier invoices for the printing of the Notices of Intention issued September 2014 where 250 were issued and February 2015 where 450 were issued.
168. The Applicant submits that any matters relating to the previous Notice of Intention dated 18 September 2014 are now irrelevant the Notices of Intention were issued by the same method on both occasions the DA from Council shows the approved method of delivery

to the Premises the Applicant has never made reference to assessment of the DA by a student assessment planner and the Applicant references all packaged licensed outlets extending to 800 metres away from the Premises.

169. Letter from local resident Ms M Edgar of Bella Vista Towers Military Road Mosman, to the Applicant dated 16 March 2015: apparently made during the CIS consultation process, replying to the letter from the Applicant dated 12 March 2015 the writer makes the following key contentions:
- The Applicant's response to the writer was "fairly generic" and covered issues that were not raised by the writer and contained quotes that were not made by the writer
 - The Applicant's approach to defining "near" is "self-serving" and "debatable"
 - The writer assumes that the Applicant is "aware of the disquiet that arose in light of what seemed to be very limited an apparently random or selective circulation of this information"
 - Residents in this and other nearby apartment buildings "were not circulated or informed" of the previous application
 - The research mentioned by the Applicant is "pertinent and interesting" and "somewhat reassuring", but the Applicant made no reference to the research *linking alcohol and domestic/family violence*
 - Several responses from the Applicant on the contended public interest benefits were "personal opinions"
 - The Applicant's stated commitment and associated policies related to harm minimisation strategies and responsible serving of alcohol practices is "laudable".
170. Letter from the Applicant to local resident Mr P Meurer of Military Road Mosman, dated 17 March 2015: In this 13-page letter, the Applicant responds to the submission from Mr Meurer dated 12 March 2015. The key contentions made by the Applicant in the response are in substantially the same terms as the Applicant's response to Mr and Mrs Lane dated 25 February 2015. The Applicant has included the following additional points *inter alia* that:
- The Applicant cannot find any reference in the BOCSAR data to a hotspot located in Mosman
 - The development consent issued by Council permits the proposed business to sell "beer, wines and spirits".
171. Submission from local resident Mr G Knox of Upper Almora Street Mosman, to the Applicant dated 17 March 2015: apparently made during the CIS consultation process, responding to the letter from the Applicant dated 2 March 2015. The writer makes the following key contentions in this one-page submission:
- "Nothing new" has been offered in the response from the Applicant
 - Any closing after 5:30pm in this particular location "should be considered as extended trading hours"
 - The community is not in need of another liquor outlet
 - The Applicant failed to mention in their list of nearby liquor outlets the Mosman RSL Club which is located 120 metres from the proposed site
 - The Mosman Vintage Cellars has an "outstanding range of fine wines with over 50 different Chardonnays on offer"
 - The Applicant's definition of which facilities are considered "close" to the Premises is "illogical and a total nonsense"
 - The majority of positive comments on the Applicant's website relate to its beer lines
 - Lack of social disadvantage "in no way equates to a decrease in anti-social behaviour"
 - A recent *Sydney Morning Herald Article* outlined that there was a "shocking epidemic of domestic violence in the Sydney's Eastern Suburbs" (article not specified).

172. Letter from local resident Ms S Knox of Upper Almora Street Mosman, to the Applicant (undated): In this 1-page submission, apparently made during the CIS consultation process, the Applicant makes the following key contentions:
- The writer does not accept the Applicant's account as to why the previous application was cancelled. The Notice of Intention to make the Application dated 14 September 2014 was "displayed incorrectly from the beginning"
 - None of the neighbouring residents were notified in September 2014 of the previous application that was later withdrawn. This was a "deliberate attempt to leave out the residents most affected by the proposal"
 - Residents were only alerted of the previous application via a neighbour
 - The Applicant failed to acknowledge the presence of the Mosman RSL Club which is less than 150 metres from the Premises
 - The Applicant failed to explain how deliveries would be made to the rear of the building
 - The submission made to council by the Applicant for the DA was "factually incorrect".
173. Letter from the Applicant to Ms M Edgar, Mr J Edgar, Ms D Whittaker and Ms S Syms of Bella Vista Towers, Military Road Mosman, dated 19 March 2015: In this 12-page letter, the Applicant responds to these submissions dated 8 February 2015 and makes similar contentions to those made by the Applicant in the letter to Mrs S Knox dated 11 March 2015.
174. Email submission from local resident, Mr G Harrod of Muston Street Mosman, to Mayor Peter Abelson dated 19 March 2015 at 8:34pm: apparently made during the CIS consultation process, notifying Council that the writer received a response to their complaint from the Applicant and have followed up with a reply. The writer request Council's support in this matter.
175. Letter from local resident, Mr G Harrod of Muston Street Mosman, to the Applicant dated 19 March 2015 responding to a letter from the Applicant dated 11 March 2015. The writer objects to the Application in this two-page submission which includes the following key contentions:
- There are "too many packaged liquor outlets within close proximity of the proposed site"
 - The proposed site is "totally unsuitable"
 - The operation and proposed operating hours "do not respect the rights of residents in the area"
 - The site is "very close" to medical, school and childcare facilities.
176. Letter from Angelo Falato, Manager Development Services, on behalf of Council dated 20 March 2015: advising that since receiving the notice of intention to apply for a packaged liquor licence at the Premises on 17 February 2015 Council has received "numerous submissions" from adjoining property owners in respect of the Application. Council request that these submissions be taken into consideration.
177. Council advise that DA 8.2011.194.1 was granted on 4 January 2012 which includes conditions "intended to minimise potential impacts within the locality and in particular trading hours, car parking and loading".
178. Council note that the proposed trading hours are "less broad than as consented to by Council" and that given the community concern that has been generated, if the Application is to be approved, Council prefers the "lesser range of hours proposed be a condition on the licence".

179. Council advise that they seek conformation from the Applicant in respect of condition 2 of the DA which states:

To ensure adequate provision for parking and servicing of the shop, one (1) car space within the basement shall be allocated for exclusive use with the shop and space No. 10 which is designated in DA 8.2009.404.1 as visitor/loading/car wash shall be used for delivery of goods to the shop, with delivery vehicles limited a one (1) tonne van" and that this condition "can and will be adhered to if the licence is granted.

180. Council note that resident submissions include submissions to the effect that delivery vehicles typically used by this retailer "exceed the delivery vehicle limit" of a one tonne van.
181. Email submission from local resident, Ms J Annand of Muston Street Mosman, to Council dated 20 June 2015 at 3:35pm: The writer "objects" to the Application and makes the following key contentions:
- Access to the Premises is very limited
 - There is no parking on Military Road
 - Ritchie Lane is "already crowded".
182. Email submission from local resident, Mr M Katsoulotos of Military Road Mosman, to Council dated 25 June 2015 at 6:33pm: briefly objecting to the Application.
183. Submission from local residents, Mrs F Biondi and Mr P Hanscomb of Military Road Mosman, to the Authority sent via email dated 2 July 2015 at 5:33pm: objecting to the Application. This 2-page submission was attached to the official Authority submission form. The writers object to the Application and make the following key contentions:
- There was no community consultation surrounding the original DA for a liquor outlet
 - There is a lack of need for another liquor business in the local community by reason that the local market place in Mosman is "well, if not over serviced by exiting liquor outlets"
 - The Premises is surrounded by "fashion, homewares and children's stores, day spas and cosmetic companies with a high component of new residential above" the trading hours for these businesses is no later than 5:30pm making it "not at all" the well-known night trading precinct as identified by the Applicant in the CIS
 - The licensed trading hours would be "inappropriate and inconsistent with other businesses in the immediate area"
 - The original DA provides for deliveries via the rear laneway but this is the only way residents can access their parking facilities and there is no parking at any time
 - If deliveries are intended to be delivered through the front of the Premises this poses "numerous problems"
 - Parking is already "very limited" during the day on the site
 - There will be more garbage trucks to the back lane, more waste left in Ritchie Lane each night and more noise generated through the removal of glass/bottle waste
 - Police indicate there is concern regarding the opening of yet another liquor outlet and a public drinking problem at Allan Border Oval
 - Whilst Mosman would "not be considered a disadvantaged community" by any means, there is an "awareness that domestic violence incidents occur here at a higher rate than other areas scoring much lower on the socio economic scale".
184. Submission from local resident, Mr M Katsoulotos of Military Road Mosman, to the Authority via an email dated 2 July 2015 at 8:28pm: In this 1-page submission on the official Authority submission form, the writer objects to the Application and makes the same contentions as made in his submission to Council dated 26 February 2016, which was outlined in detail above.

185. Letter from local resident, Ms K Knox of Upper Almora Street Mosman, to the Authority dated 3 July 2015: In this 2-page submission the writer objects to the Application and makes the following key contentions:
- There are already "at least six bottle shops within a 5-7 minute walk" and another "4 or so licensed pubs, bars even closer"
 - There are "at least another 3 bottle shops within a 5-minute drive"
 - The writer feels "unsafe" when walking her dog of the evening due to "many young people roaming the streets at night – often intoxicated with bottles in hand, having just been to one of the many bottle shops or licensed premises within the area"
 - The trading hours are "outside the norm for this location"
 - Noise will be increased through delivery trucks and parking
 - The back lane is likely to become congested
 - Australia has a "major alcohol problem".
186. Letter from local resident, Mr A Lane of Muston Street Mosman, to the Authority dated 3 July 2015: In this 5-paragraph submission the writer objects to the Application and makes the following key contentions:
- Traffic will be generated in what is already a "busy traffic area"
 - Parking is already an issue
 - The Premises will add to the level of traffic and demand for parking in Upper Almora Street which is residential
 - The extended trading hours are "inappropriate for a residential area where the vast majority of residents are elderly."
187. Submission from local resident, Mrs J Parker of Military Road Mosman, to the Authority dated 6 July 2015: In this 1-page submission on the official Authority submission form, the writer objects to the Application and makes the following key contentions:
- The DA was passed by Council without close proximity neighbours being notified
 - Mosman is "already well serviced with liquor outlets"
 - Parking is limited outside the Premises with a bus stop outside
 - Ritchie Lane is a narrow one-way lane with no room for stopping and unloading without blocking the lane
 - In this area of Military Road the boutiques close at 6:00pm.
188. Submission from local residents, Mr K and Mrs M Cowley of Military Road Mosman, to the Authority sent via email dated 7 July 2015 at 1:24pm: In this 1-page submission, the writers "object" to the Application on the following bases:
- Loss of amenity to the residents through increased noise, traffic, night-time activity and loss of security
 - Military road is busy on the best of days and at times is congested and difficult to negotiate
 - There is limited parking
 - There is no loading zone at the front or rear of the Premises
 - The rear lane has no parking and only one-way traffic
 - The extended trading hours would "increase noise and be disruptive to residents"
 - There would be a loss of security to residents of the apartments as a result of doors from the store to the residential area "frequently" being propped open allowing staff and patron access to the toilet facilities in the residential space
 - There would be a loss of security if deliveries were to happen though the basement car park and the residents' elevators
 - Mosman already has eight liquor outlets
 - There is a "teenage drinking problem" in Mosman.
189. Submission from local resident, Mrs M Gock of Upper Almora Street Mosman, to the Authority sent via email 13 July 2015 at 6:20pm: This 2-page submission was attached to

the official Authority submission form with the writer objecting to the Application. The key contentions made by the writer are:

- The Premises is located near Memorial Park and near Allan Border Oval
- The proposed site is "not" a well-known night trading precinct
- There will be increased noise
- The strip will be "unsafe for walking along"
- The Premises is in a "domestic violence hotspot"
- 79.6 per cent of domestic violence assaults in Mosman suburb which are reported to the police in 2014, took place on residential premises" and 46.3 per cent of these were recorded as alcohol-related"
- The reported rate of domestic violence in Mosman LGA was 97.9 per 100 000 population in 2006 but 182.4 per 100 000 in 2014
- The rates of alcohol related hospitalisation per 100 000 population in Mosman "grew by 106 per cent between 2006-7 and 2012-14 while the population grew by 10 per cent"
- The local marketplace is "over serviced" by existing liquor outlets "totalling eight within an approximate 1.5km radius and five of those within 500 metres of the proposed site"
- An application for a liquor outlet within 500 metres of the Premises was "recently rejected" by the Land and Environment Court
- That delivery trucks should not use Ritchie Lane as it contains no parking, is one way and is the only way residents can access their parking facilities
- Delivery access via the front door will be limited by the difficult access
- There will be increased waste, increased garbage trucks and increased noise from the removal of this waste
- The DA was approved by Council without notification or consultation with residents.

190. Submission from local resident, Mr J Drivas of Military Road Mosman, to the Authority sent via email dated 15 July 2015 at 11:40pm: This two-page submission was attached to the official Authority submission form with the writer objecting to the Application. The key contentions made by the writer who is the "owner of the entire building next door" to the Premises, are:

- There was no communication around the DA issued by Council and dated 4 January 2012
- There is already an oversupply of liquor outlets in the local area
- The proposed business has trading hours that are "not keeping in line with the other businesses" in this section of Mosman who close by 5:30pm
- The proposed business will "change the dynamics" of the quiet environment of the local area
- Feedback has been received that the "only disturbance at night in this area is alcohol related with people exiting from the various drinking outlets that already operate in the immediate vicinity"
- Deliveries via the back lane will not be appropriate
- Deliveries from the front of the Premises are not possible as there is no loading zone and there is a bus stop directly out front of the Premises
- Other shops are "very dependent on the limited short term parking that allows their clients to easily access their premises"
- Removal of waste will be an issue in terms of the volume of waste and the noise levels associated with the removal
- Public data sources indicate that there has been "a large increase in antisocial behaviour in the local Mosman area over the last five years"
- Alcohol-related hospitalisations in Mosman and the rate of alcohol related domestic violence incidents "have been shown to have increased substantially even from 2012-2014".

191. Submission from local resident, Mrs J Van Exel of Bay Street Mosman, to the Authority via email dated 16 July 2015 at 5:01pm: In this 1-paragraph submission on the official Authority submission form, the writer objects to the Application and makes the following key contentions:
- This area already has a "few bottle shops" which serve the local requirements "very adequately"
 - Traffic in this location can be "quite horrendous" and parking is a "big issue"
 - The proposed business would "create a lot of traffic and increase demand for non-existing parking places"
 - The proposed business will "create noise and other issues in the evening and especially weekends"
 - Providing another liquor outlet would be "completely unnecessary".
192. Submission from local resident, Mr M Batty of Muston Street Mosman, to the Authority sent via email dated 19 July 2015 at 6:40pm: This submission was attached to the official Authority submission form and the writer objects to the Application, supports the Police objection and makes the following key contentions:
- There are "no public benefits" provided by this Application
 - The motivation of the Applicant is "profit"
 - Trying to differentiate the proposed business from other liquor outlets is "disingenuous"
 - Having a liquor outlet in a mixed use development "has an immediate negative impact"
 - Apartment residents would be adversely impacted
 - There will be "no doubt a reduction in value of the Apartments" with a liquor outlet part of the owner's corporation
 - It is unclear as to whether the delivery hours will be made within store trading hours
 - The claims made by the Applicant regarding the proposed business providing positive social impacts are "nonsense" and "patronising"
 - It is "unlikely" that the owners of the units imagined a "liquor store would be approved for trading to 10:00pm"
 - There are concern about the number of home deliveries this organisation might undertake
 - The proposed business is "not compatible with residential living, due to long trading hours" where owners are entitled to "peaceful enjoyment".
193. Submission from local resident, Mr M Chapman of Military Road Mosman, to the Authority sent via email dated 20 July 2015 at 4:27pm: This 1-page submission was provided on the official Authority submission form with the writer objecting to the Application. The key contentions are:
- The proposed business is not appropriate for the retail and residential area
 - The quiet and safe enjoyment of the residents in the area would be disturbed as a result of the alcohol related "noise, damage and danger"
 - The proposed business would make the area "less attractive" and "devalue" the writer's property
 - There will be more congestion, less parking, more noise pollution and more alcohol related crime
 - There are already "multiple liquor shops" within 1 kilometre from the Premises and granting this licence would only steal demand from the other vendors who are trying to make a living.
194. Submission from local residents, Mr D and Mrs K McCluskey of Muston Street Mosman, to the Authority via an email dated 20 July 2015: In this 2-page submission attached to the official Authority submission form the writers object to the Application and make the following key contentions:

- The proposed business is "inconsistent with other shops in the precinct"
 - There are already sufficient liquor outlets in the Mosman area
 - There is insufficient parking for deliveries and drive by pick ups
 - The proposed business will significantly increase noise
 - There is no access at the rear on Ritchie Lane for deliveries, all of which must be done on Military Road.
195. Submission from local resident, Mr P Worth of Muston Street Mosman, to the Authority via email dated 20 July 2015 at 3:04pm: In this 2-page submission attached to the official Authority submission form, the writer objects to the Application and makes the following key contentions:
- The Premises is located in a domestic violence hotspot
 - 79.6 per cent of domestic violence assaults in Mosman suburb which are reported to the police in 2014, took place on residential premises" and 46.3 per cent of these were recorded as alcohol-related
 - The reported rate of domestic violence in Mosman LGA was 97.9 per 100 000 population in 2006 but 182.4 per 100 000 in 2014
 - The rates of alcohol related hospitalisation per 100 000 population in Mosman grew by 106 per cent between 2006-7 and 2012-14 while the population grew by 10 per cent
 - The Premises is located near Memorial Park (within 3 minutes / 250 metre walk) and Allan Border Oval and Police are "currently addressing the problem of youth drinking in Allan Boarder Oval"
 - The Premises is not in a well-known night trading spot
 - The proposed trading hours are inappropriate and inconsistent with other businesses in the immediate area
 - The local marketplace is over serviced by existing liquor outlets "totalling eight within an approximate 1.5km radius and five of those within 500 metres of the proposed site"
 - An application for a liquor outlet within 500 metres of the Premises was recently rejected by the Land and Environment Court
 - That delivery trucks should not use Ritchie Lane as it contains no parking, is one way and is the only way residents can access their parking facilities
 - Delivery access via the front door will be limited by the difficult access
 - There will be increased waste, increased garbage trucks and increased noise from the removal of this waste.
196. Submission from local resident, Mr L Gock, of Military Road Mosman, to the Authority dated 21 July 2015: This 1-page submission was provided on the official Authority submission form. The writer objects to the Application making the following key contentions:
- The licensed trading hours of the Premises will "disturb the residences at night"
 - There are two schools situated nearby
 - High school students have been "known to be drunk and causing problems in Memorial Park" which is located only three minutes away
 - The licence is unnecessary to service the local community seeing as Council confirmed that there are currently eight existing liquor outlets nearby
 - Deliveries will be an issue due to there being a bus stop out front, nowhere to stop and it being prohibited to load and unload in Ritchie Lane at the rear of the Premises
 - There will be increased traffic
 - There has been a substantial increase in domestic violence in the suburb of Mosman over the past six or seven years.

197. Submission from a local resident, Ms J Annand of Muston Street Mosman, to the Authority dated 22 July 2015: This submission was attached to the official Authority submission form and the writer objects for the following reasons:
- There is limited access to Military Road
 - The closeness of the Premises to residential properties
 - Insufficient road access on Ritchie Lane
 - Ritchie Lane is "inadequate" to receive additional deliveries
 - Currently "one truck per week" blocks Ritchie Lane
 - Extra garbage would be a "big problem".
198. Submission from local resident, Ms C Baird of Muston Street Mosman, to the Authority sent via email dated 23 July 2015 at 8:19pm: This 7-paragraph submission was provided on the official Authority submission form and the writer objects to the Application. The key contentions are:
- The Applicant wrote a letter to the writer "refuting" most of what the writer had said in another letter to the Applicant
 - The location surrounding the Premises is not a night trading area as all of the nearby shops shut at "5:00 or 6:00pm"
 - This part of Mosman is "extremely quiet in the evening"
 - Parking is an issue during shopping hours and the proposed business will result in people parking in the streets in the evening
 - Mosman "does not need" another bottle shop
 - The community opposes the Application.
199. Submission from local resident, Mrs B Martin of Muston Street Mosman, to the Authority dated 24 July 2015: In this 1-sentence submission on the official Authority submission form the writer contends that parking is already an issue in Military Road, Almora Street and Muston Street.
200. Submission from a local resident, Mr E Atkinson of Military Road Mosman, to the Authority sent via email dated 25 July 2015 at 9:14pm: This submission was attached to the official Authority submission form. The writer objects to the Application making the following key contentions:
- The location of the Premises is "totally inappropriate"
 - The Application is "not appropriate" and "is dangerous"
 - There will be increase in local traffic and parking
 - There have already been a number of "serious accidents" and "near misses" as evidenced by Council upgrading the pedestrian crossing directly adjacent to the Premises
 - Buses often cannot properly pull into the bus stop directly outside the Premises
 - People already "illegally" park across the drive way to get to the Medical Centre and other shops in the area
 - The business on the Premises will cause "real dangers" to people using the crossing and "particularly older citizens"
 - The percentage of older residents in the area is "high"
 - There is an "adequate number of liquor outlets in the area" and even they cause "a fair amount of bad behaviour" from people using them
 - There is limited access to the Premises for delivery vehicles seeing as the back entrance is a "one-way narrow lane".
201. The writer has also attached a scanned copy of a "separate objection" which the writer agrees. This separate objection makes the following key contentions:
- The Premises is in a "domestic violence hotspot"

- 79.6 per cent of domestic violence assaults in the Mosman suburb which are reported to the Police in 2014 took place on residential premises" while 46.3 per cent of these incidents were recorded as alcohol-related
- The reported rate of domestic violence across the Mosman LGA was "97.9 per 100 000 population in 2006" but "182.4 per 100 000 in 2014"
- The rates of alcohol related hospitalisation per 100 000 persons of population in Mosman grew by 106 per cent between 2006-7 and 2012-14 while the population grew by 10 per cent
- The Premises is located near Memorial Park and the Allan Border Oval and Police are "currently addressing the problem of youth drinking in Allan Boarder Oval"
- The Premises is "not in a well-known night trading spot"
- The proposed licensed trading hours are "inappropriate" and inconsistent with other businesses in the immediate area
- The local retail marketplace is "over serviced" by the existing liquor outlets which total eight within an approximate 1.5km radius and five of those are within 500 metres of the proposed site
- An application for a liquor outlet within 500 metres of the Premises was "recently rejected" by the NSW Land and Environment Court
- Delivery trucks should not use Ritchie Lane as it contains no parking, is a one-way street and is the only way residents can access their parking facilities
- Delivery access via the front door will be limited by the difficult access
- There will be increased waste, increased garbage trucks and increased noise from the removal of this waste.

202. Submission from local resident, Mrs W Town of Military Road Mosman, to the Authority dated 27 July 2015: The Authority notes that the writer has submitted an official Authority Submission form with part 4 of this document left blank.

203. Submission from Ms Leanne McFarlane, Health Promotion Lower North Shore, Northern Sydney Local Health District (NSLHD), Royal North Shore Community Health Centre dated 28 July 2015: This 2-page submission was attached to an official Authority submission form. NSLHD advise that they "do not support" granting the Application for the following reasons:

- The increased exposure and access to alcohol caused by this outlet "will increase the likelihood of alcohol-related harm"
- Each day in NSW alcohol is responsible for "66 assaults, 27 of which are domestic assaults, 28 emergency department presentations, 142 hospitalisations and three deaths"
- There are "already nine packaged liquor outlets within 1km" of the Premises in a population of "only 21,000 adults"
- There is a total of "16 liquor outlets within the Mosman LGA and if this boundary is extended to include neighbouring North Sydney LGA, there is a combined total of 96 liquor outlets"
- Research indicates that as the number of alcohol outlets increase in an area, "the rate of adolescent alcohol use increases, with the most vulnerable young people aged 12-14 years" (Rowland, B., Toumbourou, J.W., Satyen, L., Tooley, G., Hall, J., Livingstone, M., "Associations Between Alcohol Outlet Densities and Adolescent Alcohol Consumption: A Study in Australian Students". *Addictive Behaviours* 39:282-288, 2014)
- A higher concentration of outlets can "also lead to aggressive price discounting" which is known to "selectively increase alcohol consumption by young people" (Treno, A., Ponicki, W., Stockwell, T., MacDonald, S., Gruenewalk, P., Zhao, J., Martin, G., Greer, A., "Alcohol Outlet Densities and Alcohol Price: The British Columbia Experiment in the Partial Privatization of Alcohol Sales Off-Premises". *Alcohol Clin Exp Res* 37(5): 854-859, 2013)

- The proximity to two local schools (within 450m of Mosman High School and 350m of Mosman Public School) "generates an even greater risk of harm"
 - There is evidence to suggest that there is a "strong association between domestic violence and the density of packaged liquor outlets"
 - A "10 per cent increase in off-licence liquor is associated with a 3.3 per cent increase in domestic violence" (Livingston, M. (2011). "A Longitudinal Analysis of Alcohol Outlet Density and Domestic Violence". *Addiction*, 106(5):919-925).
204. NSLHD conclude by stating that "the increased exposure and access to alcohol" generated by the proposed Camperdown Cellars in Mosman is "likely to increase alcohol-related harm among local children, young people and families, and we strongly recommend that this application be refused".
205. The Authority notes that NSLHD referred to but did not provide the following research in their submission:
- NSW/ACT Alcohol Policy Alliance (NAAPA), 2014, "Not One More". Available: <http://naapa-org.au/wpcontent/uploads/2014/11/NAAPA-Election-platform-2015-FINAL.pdf>
 - Rowland, B., Toumbourou, J.W., Satyen, L, Tooley, G., Hall, J., Livingstone, M., Associations Between Alcohol Outlet Densities and Adolescent Alcohol Consumption: A Study in Australian Students. *Addictive Behaviours* 39:282-288, 2014
 - Treno, A., Ponicki, W., Stockwell, T., MacDonald, S., Gruenewalk, P., Zhao, J., Martin, G., Greer, A., Alcohol Outlet Densities and Alcohol Price: The British Columbia Experiment in the Partial Privatization of Alcohol Sales Off-Premises. *Alcohol Clin Exp Res* 37(5): 854-859, 2013
 - Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction*, 106(5):919-925.
206. Submission from local resident, Mrs T Davids of Military Road Mosman, to the Authority dated 28 July 2015: This 1-page submission was provided on the official Authority submission form and the writer objects to the Application. The key contentions are:
- There is already an "oversupply" of liquor outlets in the local area
 - There is "no need" for an additional bottle shop and the consequent alcohol consumption within the community especially by "teenage drinkers who frequent" the local park and oval
 - The proposed business is "inconsistent with the other business hours and clientele in the same area"
 - Increased waste from the business is a concern
 - Delivery access will interfere with the local bus stop and pedestrian crossing.
207. Submission from local resident, Mr J Ryan of Parriwi Road Mosman, to the Authority dated 28 July 2015: In this 1-page submission on the official Authority submission form, the writer objects to the Application and makes the following key contentions:
- Traffic on Military Road is "already impossible"
 - The Premises is located at a bus stop "adding to what is already an impossible area for parking"
 - It is "difficult to comprehend" how trucks will be able to make deliveries
 - Deliveries will "impede the movement on a street which is already incredibly congested"
 - Mosman is a "relatively small suburb" and already has "more than enough alcohol outlets" with at least five liquor stores, two hotels and a number of clubs
 - The Premises is located "opposite a state school where children catch buses to and from school"
 - The location of the Premises is "inappropriate".

208. Email submission from local resident, Ms C Morgan-Hunn of Military Road Mosman, to the Authority dated 29 July 2015 at 4:09pm: objecting to the Application and contending that:
- The proposed business is an "inappropriate use of this retail space"
 - There is a "plentiful supply" of liquor outlets in the immediate area
 - There will be increased traffic in Ritchie Lane for deliveries and rubbish collection.
209. Submission from local resident, Mr G Norri of Parriwi Road Mosman, to the Authority dated 29 July 2015: In this 1-page submission on the official Authority submission form, the writer makes the following key contentions:
- The proposed business would generate additional traffic which would have a "detrimental effect on the local roads"
 - The Premises is near a bus stop which could be affected by increased foot path traffic.
210. Email submission from Ms A Ziller to the Authority dated 29 July 2015 at 1:34pm: In this 12-page submission the writer objects to the Application and makes the following key contentions:
- The Applicant's CIS understated the customer catchment of the proposed outlet and thus "the area of likely social impacts and in several ways minimise the likely social impacts of an additional outlet"
 - Council did not consider likely social impacts at all when it approved the DA on 4 January 2012 and as a result did not carry out its responsibilities under s79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*
 - There has been a significant increase in licensed premises in Mosman and Cremorne between 2006 and 2014 and the rate of increase identified by the writer at, 54 per cent, is "much greater than the rate of population growth (8-10 per cent)"
 - There are already "106 licensed premises within 2 km of the proposed site, including 26 packaged liquor outlets"
 - Taking all licenses in Mosman and Cremorne, "the rate of licenses per 100 000 population is higher than for NSW as a whole"
 - Relative social and economic advantage in the community "does not protect people from risky drinking, neither does age"
 - Mosman residents' vulnerability to alcohol-related harm is also shown in some key indicators
 - Mosman LGA has the "highest rate of alcohol-attributable hospitalisations" of any LGA in Greater Sydney
 - The rate of *alcohol-attributable hospitalisations* in the Mosman LGA "has grown by 43 per cent in 7 years – at a much higher rate than population growth"
 - Reported rates of alcohol-related domestic assault per 100 000 population "are higher for Mosman than the State as a whole".
211. The writer further contends that:
- People who live outside Mosman but visit, work or regularly shop there are potential customers of the new business
 - No social impact issues are mentioned in DA report
 - The DA report did not mention any consideration of likely impacts on the health profile of Mosman residents, including hospitalisation rates, cancer and heart disease rates, domestic violence
 - The DA report was "prepared by a Student Assessment Planner" and is unsigned
 - The DA does not represent a considered assessment by the Council of the likely social and health risks to the resident population arising from this consent
 - The LGA boundary is "quite arbitrary" and not recognised by residents as representing shopping patterns

- There are currently 75 licensed premises in the Mosman LGA but just across the LGA boundary and within 2 km of the proposed site there are a further 31 licensed premises
- The number of licensed premises within 2 km of the proposed site is currently 106, for a resident population in the Mosman LGA and the Cremorne suburb of approximately 42,237 – a rate of 251 per 100 000 population (not including producer / wholesaler licences)
- Including hotels and clubs, who can also sell packaged liquor, there are "19 bottle shops in Mosman, making a total of 26 outlets where packaged liquor can be purchased within 2 km of the proposed site"
- The number of licensed premises in Mosman LGA and the Cremorne suburb increased from 69 in 2006 to 106 in 2014, an increase of 54 per cent
- The number of licensed premises in Mosman LGA increased from 47 to 75 between 2006 and 2014, an increase of 60 per cent. The population increased by 10 per cent
- The number of licensed premises in Cremorne suburb increased from 22 to 31 between 2006 and 2014, an increase of 41 per cent. The population in this area grew by approximately 8 per cent
- The number of packaged liquor licenses in Mosman increased from seven to 10 between 2006 and 2014
- The number of packaged liquor licenses in Cremorne suburb increased from two to six in the same period
- Combining Mosman LGA and Cremorne suburb, the number of packaged liquor licenses increased by 88 per cent in less than 10 years while the population has grown at most by 10 per cent
- An additional outlet will increase takeaway liquor availability and is "likely to increase consumption" of alcohol in the customer catchment
- A decline in total alcohol consumption in the community over time "does not mean that rates of consumption among drinkers are declining"
- The Applicant's claim that total alcohol consumption is declining "overlooks key local social factors, which include both an older population profile with indicators of high rates of alcohol-related harm"
- Although the Mosman LGA is a relatively advantaged LGA in socio-economic terms this "does not mean that its residents are somehow protected from risky drinking"
- A recent study shows that "higher socio-economic status is associated with higher rates of risky drinking" (Mathews R and Callinan S "Over the limit: A Profile of Australians Who Drink in Excess of the Recommended Guidelines", *Centre for Alcohol Policy and Research*, August 2013: <http://www.fare.org.au/wp-content/uploads/2011/07/Over-The-Limit.pdf>)
- Mosman is "not a low risk community" but one "already experiencing significant alcohol-related harm"
- There is no safe level of alcohol consumption
- Mosman LGA has an exceptionally high rate of alcohol-attributable hospitalisations, at "1099.0 per 100,000 population in 2013-14, this is the highest rate for any LGA in the Sydney Metropolitan area" which is higher than the rate for NSW as a whole which is 687.9 per 100 000 population in 2013-14
- There are "already problems with public drinking in the LGA including at Allan Border Oval and Balmoral Beach" which are within easy walking distance from the Premises
- It is "a not infrequent experience to have to step around vomit on the pavement in the Mosman shopping strip"
- There are "no night trading premises" in the retail strip in this part of Mosman
- An additional packaged liquor outlet is likely to exacerbate existing pre-loading and public drinking

- In 2014 79.6 per cent of domestic violence assaults in Mosman LGA, which were reported to the police took place on residential premises and 46.3 per cent of these assaults were recorded as alcohol-related (this is higher than the rate of 35 per cent for NSW as a whole)
 - Reported rates of domestic violence are known to be a fraction of the actual rates
 - Domestic violence is a serious and largely hidden problem to which Mosman residents are clearly vulnerable.
212. The writer has included the following documents in the submission:
- ABS data on population growth for Mosman Council area between 2003 and 2014
 - (Then) OLGR (now) LGNSW Premises list detailing number of licensed premises for Mosman LGA and the suburb of Cremorne for 2006 and 2014
 - NSW Ministry of Health HealthStats detailing Alcohol Attributable Hospitalisations for Mosman LGA between 2001-03 to 2012-14
 - NSW Ministry of Health HealthStats detailing Alcohol Attributable Hospitalisations by Sex for NSW between 2001-02 to 2013-14
 - NSW Ministry of Health HealthStats detailing Alcohol Attributable Hospitalisations by LGA Sydney Metropolitan Area between 2012-14.
213. Submission from local resident, Mr J Wilby of Muston Street, to the Authority via email dated 30 July 2015 at 11:21am: In this 1-page submission on the official Authority submission form, the writer objects to the Application and makes the following key contentions:
- An additional liquor store is "entirely unnecessary" given the existing number of liquor outlets" and their closeness to the proposed business
 - The location of the Premises is "totally inappropriate for a shop of this kind"
 - There appears to have been "inadequate communication of the proposal to local residents when the first submission was made"
 - The liquor shops in Mosman Village or Bridge Point "both have a public car park close at hand"
 - The Premises has "no car park nearby and very little street parking"
 - A proposal for a *Dan Murphy's* store on Military Road was rejected on appeal by the Land and Environment Court but is now being taken to the Supreme Court
 - The area is "not a late trading area" as all shops and other premises close at 6:00pm
 - There is "no private parking for customers"
 - There is a bus zone immediately outside the Premises
 - There is "very little street parking" and no loading zones on Military Road
 - Ritchie Lane is a one-way narrow lane used for access to private garages and has no parking or loading zones
 - Allan Border Oval is a short stroll away and local Police would confirm that "some years ago there was a degree of mild trouble in the evening in the park area cause by youths partaking in under-age drinking".
214. Submission from local resident, Mr R Muscat of Military Road Mosman, to the Authority dated 30 July 2015: In this 1-page submission on the official Authority submission form, the writer objects to the Application and makes the following key contentions:
- There are currently more than 28 liquor outlets in the Lower North Shore area including Mosman
 - There has been a "great deal of change in both population and residential apartment living"
 - The "introduction of a retail liquor outlet below a block of new apartments in a precinct that has traditionally housed soft retail is inappropriate and out of character for Mosman Village"
 - There is no justification for another liquor outlet in this location

- The outlet will be "out of character with existing retail venues"
 - Delivery access will be difficult and will create unwanted congestion and noise
 - The "pedestrian crossing and bus stop nearby will be compromised and made unsafe by delivery and customer vehicles"
 - The removal of waste will create "additional noise and traffic movement"
 - The Premises is "very close" to Memorial Park, and Allan Border Oval which is a site "currently being addressed by local police in an effort to curb youth drinking in the park area"
 - The community is "well serviced by liquor outlets" and is even "deluged with the availability of liquor from many sources".
215. Submission from local resident and owner of Balmoral Cellars, Mr T O'Halloran of The Esplanade Mosman, to the Authority dated 30 July 2015: In this 1-page submission on the official Authority submission form, the writer objects to the Application and makes the following key contentions:
- The need for liquor is "more than being met by the existing licences in Mosman"
 - Granting the Application will "financially affect my business negatively"
 - Mosman is "currently well serviced by the existing licenses" and adding another licence is "grossly unnecessary"
 - The need for another packaged liquor licence is "nil"
 - The location of this Application is "well served in both directions on Military Road" by 2 existing bottle shops "within 200 metres on both sides"
 - The study on *Restrictions on the Sale and Supply of Alcohol* by The National Drug Research Institute states "limits on outlet density may be an effective means of controlling alcohol problems"
 - Another study found that the prevalence of both offensive behaviour and property damage incidents was greater in higher density areas of NSW (Stevenson R. Lind B + Weatherburn. D (1999) Property Damage and Public Disorder: Their Relationship With Sales of Alcohol In NSW 163-170)
 - These studies suggest that adding more licences in very unnecessary areas could lead to "social problems in the area".
216. Email submission from local resident and Councillor at Mosmon Council, Mr S Menzies of Avenue Road Mosman, to the Authority dated 3 August 2015 at 4:57pm: In this 7-paragraph submission the writer objects to the Application and makes the following key contentions:
- Bottle shops have doubled in number while the population has remained the same
 - The market has reached "saturation point"
 - The proposed business in this location is "out of place with its retail neighbours that are typically dress shops open between 10:00am and 5.30pm"
 - There is "increasing levels of underage drinking that occurs in local parks late at night"
 - The Premises is "in close walking distance to Mosman Park" and the "dimly lit areas surrounding Alan Border Oval"
 - The Premises "will be isolated from other businesses open of an evening" and will provide "greater chances of teenagers loitering outside without being recognised by others in the community."
217. Submission from local resident, Mr I Freese of Moruben Road Mosman, to the Authority dated 5 August 2015: This 8-page submission was attached to the official Authority submission form with the writer objecting to the Application. The key contentions are:
- The CIS "falls short" in representing the concerns of the community and "lacks an independent assessment"

- The new business on the Premises will create "undue offence, annoyance, disturbance or inconvenience" to those who live or work within the area and persons travelling to or from an existing place of worship, hospital or school
- There will be harms from alcohol abuse and misuse or associated violence
- The new business will have an "adverse effect" on the health or safety of members of the public and on the amenity of the community
- Council has not clarified that the past DA issued in 2012 is still valid noting that an application for planning permission to operate a Dan Murphy's outlet on premises located within 200 metres from the Premises was unsuccessful

- There is a need to address procedural concerns and provide further attention or study to the following issues arising from the Application
 - The opening hours that are "not consistent with other shops in the immediate vicinity"
 - The current setup of the business which encourages illegal parking
 - The additional traffic impact for Military Road
 - Deliveries to the Premises
 - Dumping of trolleys and garbage
 - Parking and pick up options for customers
 - Impact on "impressionable minds", school children using the bus stop in front of the Premises
 - Impact upon local businesses
 - Impact upon property prices
 - At risk groups in the communities
 - Alcohol related risks
- The writer contends that there are "empty bottles at bus stops outside the churches" on Sunday mornings
- Over the last year the writer has had their mailbox "broken numerous times" like "most" of his neighbours
- Overwhelming concerns arise from the local residents and they seem to be supported by the current councillors.

218. Attached to this submission is a Petition stating that the reason for objection to the Application is that "Mosman does not need more bottle shops" and that "Another bottle shop will greatly inconvenience the local community, businesses and importantly it will not add any real value to the future of Mosman".

219. The Authority notes that this petition contains a total of 64 signatures, approximately 55 of which are identified as residents or businesses in the local community of Mosman.

220. Submission from local resident, Mr G Knox of Military Road Mosman, to the Authority via an email dated 12 August 2015 at 4:23pm: In this 2-page submission the writer objects to the Application and makes the following key contentions:

- The location of the Premises is "inappropriate"
- The trading hours are "100 per cent inconsistent" with other retail outlets in the area
- There is a well-known problem with underage and public drinking within the Mosman Municipality and the immediate vicinity of the Premises, specifically Allan Border Oval and Balmoral Beach which are "recognised as Police hot spots"
- Mosman has a high incidence of both domestic violence and hospital admissions related to alcohol abuse
- The Mosman / Cremorne area is "already saturated with take away liquor outlets"
- The CIS is "virtually unchanged" from the previous CIS that the Application later withdrew in response to community submissions that it "is a blatant self-serving distortion of reality"

- A children's playground, two medical centres and a major sporting oval are all within approximately 150-200 metres from the Premises
 - Social impact "was not considered" by Council during the DA process.
221. Letter from local resident, Mrs S Knox of Upper Almora Street Mosman, to the Authority via email dated 13 August 2015 at 3:07pm: In this 2-page submission the writer objects to the Application and makes the following key contentions:
- The community does not need another liquor outlet due to the number of existing retail liquor outlets
 - We "regularly see young people carrying cartons of beer and bottles of alcohol in the immediate area of the proposed site"
 - Allan Border Oval and Balmoral beach are "well known drinking spots" in close proximity to the Premises
 - We "regularly clean up bottles and cans lying around as well as vomit"
 - The writer has witnessed the "mess left behind on the weekend" at Rawson Park in Mosman which includes "broken glass" and damage to park benches
 - On 5 March 2015 the Mosman Daily Street Watch states "A group of teenagers were searched and alcohol was confiscated at Bond St on Saturday evening. Police were told that the group was loud and rowdy and trying to open every door of motor vehicles as they passed. The group members, who were all aged 17, were moved on from the area"
 - Alcohol is a "significant contributor to family violence" and Mosman "is not immune"
 - The location of the Premises is not within a well-known late trading precinct and is not consistent with the other shops in the area
 - A medical centre is within 100 metres and Memorial Park playground and Allan Border oval are close by
 - There are no public car parks or loading zones in close proximity to the Premises
 - DA 8.2011.194.1 was "assessed under delegated authority to a student planner over the Christmas period" and no social impact assessment was done either by the Applicant or Council during this process.
222. Email submission from local residents, Mr T and Mrs G Thompson of Mosman, to the Authority dated 13 August 2015 at 4:35pm: In this 1-page submission, the writers object to the Application and make the following key contentions:
- Mosman "already has four outlets in Military Road" within walking distance
 - More outlets will "increase the problems of alcohol related crime and behaviour in the area"
 - Communication with others in the community has identified the "late night problems arising from alcohol misuse" such as a young girl crossing the road in a crossing had a "container of liquid thrown over her as she crossed"
 - Young people are "buying alcohol locally" and "drinking in the parks in the area prior to going out and littering these parks"
 - Allowing another liquor outlet in this area would be "totally irresponsible".
223. Email submission from local resident, Ms W Meurer of Muston Street Mosman, to the Authority dated 14 August 2015 at 8:29am: objecting to the Application and contending that:
- There are often "empty beer bottles" and broken ones on the footpath or nature strip or amongst the shrubbery
 - There are "nine liquor outlets in Mosman" and there is no need for any more
 - The Premises is located in an area where there is "no late trading".
224. Submission from local resident, Ms J Rigby-Knight of Redan Street Mosman, to the Authority via email dated 14 August 2015 at 12:16am: In this 1-paragraph submission on

the official Authority submission form, the writer objects to the Application and makes the following key contentions:

- There are many existing bottle shops
- Mosman is "saturated with outlets"
- The proposed business "does not fit" into the area which is a mix of residential and shops
- There is "little parking"
- There are "elderly people living in apartments who would not have expected such a premises to be allowed"
- Teenage drinking is a problem in Mosman with them "siting in parks" and showing "anti-social behaviour"
- Mosman has "high rates of alcohol fuelled violence" which is reported each week by the Mosman Daily reports in the Crime Watch police pages
- The proposal is "highly unsuitable".

225. Submission from local resident, Mr V Winley of Military Road Mosman, to the Authority via email dated 16 August 2015: In this 1-page submission on the official Authority submission form, the writer objects to the Application and makes the following key contentions:

- The proposed business would likely lead to increased noise and loss of social amenity in the evenings
- There are already "not-infrequent instances" of "apparently inebriated people disrupting the peace of the neighbourhood in the evenings, and occasional instances of minor vandalism"
- Parking is "already at a premium" and the proposed business will generate significant vehicle traffic and demand for parking"
- This proposal would "seriously aggravate the existing shortage of street parking and inconvenience the residents and customers of the existing shops"
- The additional liquor outlet would "increase" the traffic congestion already experienced on Military Road
- There is "no scope in the immediate vicinity for the large volume of deliveries" that would be required without "greatly disrupting an inconveniencing the residents and customers of the existing shops"
- It cannot be said that the neighbourhood suffers from "a lack of such outlets" seeing as within half a kilometres radius of the Premises there are 4 existing outlets where packaged liquor may be bought – two hotels and two packaged liquor outlets
- The arguments that lead to the recent rejection of a packaged liquor licence for premises slightly further up Military Road, apply equally to this Application and should be taken into account in rejecting this Application
- The Applicant's responses to received objections "did not address many of the concerns raised, were internally inconsistent and, in some instances were offensively personal".

226. Submission from local resident, Mrs D Harrod of Muston Street Mosman, to the Authority dated 17 August 2015: This 6-page submission attached to the official Authority submission form contains the writers' objection to the Application. The key contentions of concern to the writer are:

- The levels of domestic violence in Mosman
- The location of public parks, schools, churches and child care centres are "within 250 metres" from the Premises
- The Premises is located right on a bus stop
- There is already traffic congestion and danger with the adjacent pedestrian crossing
- There is already an over-supply of liquor outlets in Mosman
- There is inappropriate delivery and waste access

- Danger "already exists to women being harassed by drunken individuals from Mosman RSL"
- The writer was "chased and verbally harassed" at 8pm on a Thursday night "whilst walking home from yoga along Military Road"
- The site surrounding the Premises is a "boutique fashion precinct"
- Adjacent business owners along Military Road opposed the Application and have signed a petition.

227. Attached to this submission are the following documents:

- Petition stating that the petitioners object by reason that "Mosman does not need more bottle shops" and that "another bottle shop will greatly inconvenience the local community, businesses and importantly it will not add any real value to the future of Mosman". This petition contains a total of 39 signatures with approximately 38 of them identified as local residents or businesses
- Article written by Andrea McCullagh dated 12 August 2015 sourced from *the Daily Telegraph*, "Candelight Vigil to Support Victims of Domestic Violence in Mosman".

228. Submission from local residents, Mr G and Mrs D Harrod of Muston Street Mosman, to the Authority dated 18 August 2015: The writer's object to the Application in this three-page submission and make the following key contentions:

- Mosman "already has problems with alcohol-related harm"
- The Premises is "not" in a well-known night trading precinct
- Mosman LGA is already "over serviced" with retail liquor outlets and is dealing with "rapidly growing alcohol-related social impacts"
- The proposed location is "unsuitable with its very close proximity" to primary and secondary schools, child care centres, recreational facilities and medical practices
- Local residents are "constantly dealing with" the following matters:
 - discarded and broken liquor bottles and packaging around Allan Border Oval which is a hotspot to Mosman police for under-age consumption of alcohol and street drinking
 - street drinking in local streets and laneways including Ritchie Lane (the lane at the rear of the Premises)
 - vomit
- In the past 18 months there has been "dramatic increases" in numbers of intoxicated and under age people
- Mrs Harrod was returning from gym one night and was "followed home and approached in Ritchie Lane, by an intoxicated person"
- A single mother and her daughter were followed by an intoxicated person in Ritchie Lane on a separate occasion
- Residents "no longer feel safe" in the neighbourhood as a result of the "proliferation of liquor outlets"
- BOCSAR data confirms that there are significant issues of excessive alcohol consumption in the Mosman LGA
- The location of the Premises is "totally unsuited to packaged liquor retailing and late night trading"
- The proposed trading hours are "out of context" with the surrounding premises and their trading hours
- Council failed to consult with residents when undertaking the DA process
- Residents have purchased or rented their units nearby on the basis that "the area will not support late night trading or the sale of packaged liquor"
- The addition of another licensed liquor venue would "further exacerbate" the significant alcohol-related social issues impacting the Mosman and surrounding LGA's
- The location of the Premises is "unsuitable" and contravenes the Authority's suitability guidelines for the sale of packaged liquor seeing as though the Premises

is in "close proximity to schools", within 500 metres and a bus stop directly out front of the Premises in which children attending Mosman Primary and High School alight.

229. Letter from local resident, Mrs O Gough of Upper Almora Street Mosman, to the Applicant dated 21 August 2015: In this one-page letter, the writer objects to the Application making the following key contentions:
- There is no need for another liquor outlet in Mosman
 - The proposed trading hours are not in keeping with all other shops in the area of Mosman
 - The proposed business will have a "bad effect on the overall environment and amenity of the area"
 - Mosman has a "serious problem with public and underage drinking"
 - There are "hundreds" of Mosman High School children who walk past the Premises every morning.
230. Letter from local resident, Mrs S Knox of Upper Almora Street Mosman, to Council (undated): In this 1-page submission, apparently made during the CIS consultation process, the writer contends that:
- That the original liquor licence application was withdrawn by the Applicant as a result of failing to notify the surrounding neighbours and correctly displaying the notice in the window
 - The DA for the Premises was approved by Council under delegation to a student assessment planner without any notification to the residents
 - The proposed business is "not in the best interest of the community nor suitable at this proposed site".
231. Letter from local resident, Mrs S Knox of Upper Almora Street Mosman, to The Applicant (undated): In this 2-page submission, apparently made during the CIS consultation process, the writer objects to the Application and makes the following key contentions:
- The Applicant failed to notify residents of the previous application that was later withdrawn by the Applicant
 - The area does not need another liquor outlet
 - There is already a problem with youth drinking in the area
 - Local residents "often clean up bottles and cans from around our building left by young people overnight" and have "also cleaned up vomit from the side of the building"
 - Allan Border Oval "is also a place of anti-social behaviour"
 - Young people also go down to Balmoral Beach after hours with liquor via Upper Almora Street
 - The community in general is opposed to more retail liquor outlets as "clearly demonstrated by the opposition to *Dan Murphy's* application further up Military Rd" and Council fought this proposal successfully in the Land and Environment Court
 - Had residents been notified at the time of the DA application, there would have been strong opposition voiced to Council
 - It is the Applicant's responsibility to inform the staff at the *Kidstuff* store that the Application applies to the store
 - The proposed business is not consistent with existing retail in this precinct
 - The proposed new business is "no different from Vintage Cellars" which is located "400m away on Military Rd"
 - It is not believable that the proposed new liquor store will have a positive impact on the community
 - The trading hours sought are not consistent with other retail stores in the area
 - Ritchie Lane is one way with no parking

- There will be more waste, more noise generated with the collection of waste and residents already complain about the "unsightliness of existing commercial waste behind their properties"
- Operational noise from the Premises will be increased with the new business
- The business will generate more traffic in the area
- The business will not complement the existing retailers
- The proposal will have a "detrimental impact on the surrounding area as well as providing another opportunity for young people to buy liquor"
- The *Mosman Daily* at page 14 on 5 March 2015 reported that "teenagers searched & alcohol confiscated at Bond St. Saturday".

The writer has attached a photograph of Ritchie Lane being blocked by a garbage truck and a copy of the fact sheet "*A Guide to the Liquor Laws for Local Councils*" issued by the former OLGR, now LGNSW.

232. Email from Authority Staff to the Applicant dated 9 November 2015 at 10:18am: informing the Applicant of the submissions from LGNSW, NSW Police, Council, NSLHD and the public and inviting the Applicant's consent to a condition requiring compliance with the "Plan of Management" provided by the Applicant to the Authority. The email also invites consent to the imposition of the following "standard" conditions imposed upon new packaged liquor licences should the Application be granted:
- That for the purpose of section 11A of the Act, the 6-hour closure period will be between 4:00am and 10:00am
 - That the business "must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected"
 - That the licensee "join and be an active participant in the local liquor accord"
 - That the licence cannot operate until the Authority has been provided with "evidence that the premises are complete and ready to trade".
233. Authority staff also request the Applicant consent to an additional condition being imposed upon the licence that the "sale of liquor is limited to wine only".
234. In light of the Applicant's claims that Mosman lacked a fine wine outlet and the development approval for the Premises which grants permission of use (for planning purposes) as a fine wine and gourmet food outlet, Authority staff requested the Applicant to provide additional information on:
- The liquor products to be sold by the new business on the Premises
 - What products will be available in the floor display units and display tables and how they will be accessed
 - Whether there will be a separate sales area for the small goods.
235. Letter from the Applicant to the Authority dated 2 February 2016: In this 8-page letter, the Applicant responds to the proposition that the licence be subject to a condition confining liquor sales to wine. The Applicant submits that this condition is "too restrictive" and "ignores the necessary inclusion in the interpretation of the supporting documents referred to in the consent, and of the Council's own interpretation of the application".
236. The Applicant notes the description of the approved development on the front page of the DA which refers to:
- Internal fitout, removal of an approved opening an use as a fine wine and gourmet food outlet.*
237. The Applicant submits that the "proper interpretation" of the effect of the development consent in place for the Premises, based on relevant case law, is that this description on

page 1 of the development consent "does not so restrict the consent" and that the relevant activity permitted by the consent as approved by Council extends to use of the Premises as a conventional full product liquor store selling beers and spirits as well as wine.

238. The Applicant argues that the references to the "fine wine" and "gourmet food" aspects of the approved development are statements intended to "differentiate" the *overall business* to be conducted at the Premises with the businesses conducted at competing premises. However, the Applicant submits that these words are not "points of identification" for the purposes of the scope of the development consent.
239. The Applicant discusses references in the Statement of Environmental Effects (SEE), which formed part of the development application, and how they are to be interpreted. The Applicant submits that the proper interpretation of the development approval is that it permits use of the Premises for "a full service bottle shop, offering beers and spirits, and wines of differing price points, but which includes, and which necessarily emphasises its quality wine offering, together with gourmet foods".
240. The Applicant submits that "a fair, but liberal and objective interpretation" of the relevant documents included with the DA (including the SEE, the Plan, Council notification and the terms of a packaged liquor licence) acknowledges the context in which those documents were approved, as required by the caselaw. This, it is submitted, results in a development approval that permits a "conventional, full product liquor store or bottle shop, and not a retail outlet limited to wine" and for this reason the liquor licence condition proposed by the Authority is "not appropriate".
241. The Applicant further submits that:
- The primary purpose of the proposed new business is the sale of liquor
 - The sale of non-liquor items by the business will be a "distant secondary aspect"
 - The proposed non-alcoholic products to be sold include a "finite range of small food items that are complementary to, and typically consumed with alcoholic beverages" such as pre-packaged "cheeses, crackers, salty snacks, quince paste, dips, breads, cured meats"
 - The non-liquor items will occupy "no more than 3.8 per cent of the shelf space and the floor-display unit space"
 - Only 1.9 per cent of the stock will be non-liquor items
 - All of the products sold will be self-service and no food preparation will be undertaken on the Premises
 - There will not be the circumstances such that a separate liquor sales area will be required
 - Section 31 of the Act "does not apply" to this Application as the proposed business is not a convenience store or mixed business.
242. The Applicant attaches and relies upon the following case law and legislation in support of this submission:
- *Auburn Municipal Council v Szabo* (1971) 67 LGRA 427
 - *House of Peace Pty Limited v Bankstown City Council* (2000) 106 LGERA 440
 - *Environmental Planning and Assessment Regulation 2000* (NSW) Sch 1.
243. Letter from the Applicant to the Authority dated 14 March 2016: In this 11-page letter, the Applicant responds to the submissions from LGNSW, NSW Police, Council, NSLHD and the public submissions.
244. In response to from the submission from LGNSW dated 24 August 2015, the Applicant notes that LGNSW "has no objection" to the Application. LGNSW has identified two

usual risk factors, premises and location, and the conclusion can be drawn that "any additional risk associated" associated with conducting this licence at this location "will be minimal".

245. The Applicant acknowledges that LGNSW have noted the concerns raised by the local community but the matters which have been articulated by the residents, "are not matters which are fatal" to the Application or sufficient to cause LGNSW to take objection to the Application. The Applicant submits that they have "comprehensively" responded to the concerns raised by the public.
246. In response to the Police submission the Applicant makes the following key contentions or submissions:
- The close proximity of the Premises to residential premises "cannot be inferred" as being detrimental to the Application
 - The refusal of development consent for the *Dan Murphy's* outlet proposed for a site approximately 100 metres away is "irrelevant" to the Authority's consideration of this Application particularly when no reason is known as to why Council refused the development application
 - This Application is related to "fine wine" which would be "compatible with the "browse and shop aspect of women's clothes stores"
 - The areas which are apparently a "constant source of complaint" relating to public drinking and intoxicated young males are "not identified" in the Police submission
 - The statement referring to traffic being dramatically affected by this proposal is "unsupported by any evidence or data" presented by Police
 - The new business on the Premises is "unlikely" to draw new or additional shoppers to the area
 - The demographic of inner Sydney is "vastly different" to the suburb of Mosman
 - One of the seven Police identified packaged liquor licences in Mosman, Different Drop.com, is an internet sales licence without a walk-in shop
 - There is no weight given in the Police submission to the type or style of the existing packaged liquor licences in Mosman LGA
 - The fact that two existing Camperdown Cellars licensed premises are located within the area of the Harbourside LAC is "irrelevant"
 - Economic arguments have "no place" in a "proper" submission
 - Police rely on "generalised and theoretical statements which cannot be properly drawn back" to the Application or the Premises
 - The data presented by Police for the occurrence of drink driving offences and last place of liquor consumption in Mosman does not disclose whether the alcohol contributing to these offences may or may not have come from multiple sources or even consumption on licensed premises or from home
 - Police refer to an unreferenced and unsubstantiated newspaper article
 - The Police submission fails to consider the specific demographic of the suburb of Mosman
 - There is no evidence presented as to what percentage of all domestic violence assaults in Mosman are related or associated with alcohol
 - The Applicant intends to offer a "fine wine" store which, by definition will not be attractive and not be affordable to minors who seek to illegally gain access to alcohol
 - There is no crime data provided that allows the conclusion to be drawn that "the relevant period there have been 34 alcohol related assaults and 62 alcohol related domestic violence incidents"
 - There is no indication, clear or otherwise, that there is a problem in the Harbourside LAC which is any greater than other areas in the State

- BOCSAR data between July 2014 to June 2015 for the state-wide figures for domestic violence related assault in NSW indicate that 31.9 per cent is alcohol-related and 68.1 per cent is non-alcohol-related
 - These BOCSAR percentages are "consistent with percentages" stated in the CIS, although the CIS referenced a slightly earlier period
 - The likelihood of antisocial behaviour is minimal, given the nature of the proposed premises being a "high-end wine outlet, including other equivalent high-end liquor"
 - Council did not see transport difficulties as a problem and neither should the Authority
 - It is not demonstrated by the statistics that the incidence of domestic violence in Mosman LGA, related to alcohol or otherwise, is at such a rate as would give concern to the Authority that it would not be satisfied that the overall social impact would not be detrimental to the well-being of the community.
247. The Applicant responds to the submission from NSLHD by submitting that alcohol-related violence in Mosman is no greater than the state wide average, that the existing number of packaged and non-packaged liquor outlets in the LGA is "lower than the state wide average" and that the concern relating to the use of alcohol by adolescence "ignores the specifics of this application which is directed to an older demographic and a fine wine enjoying population".
248. The Applicant acknowledges the concerns raised by the "numerous public submissions" and contends that many of these concerns are not concerns of the Authority but concerns of the planning process and that LGNSW referred to the resident concerns and concluded that there was not sufficient relevant material to object to the Application.
249. In response to the six proposed conditions requested by Authority staff in their email dated 9 November 2015 the Applicant consents to all the conditions except that the licence be subject to a condition that liquor sold at the Premises is limited to the sale of wine only.
250. In response to the submission from NSLHD, the Applicant contends that:
- The submission from NSLHD "indicates that no regard has been had to the specifics of the application"
 - The NSLHD submission outlined four concerns which have also been raised by Police and dealt with in the response to the Police submission
 - The primary concern of NSLHD regarding alcohol-related harm or violence has been "addressed by the statistics that the alcohol-related violence in Mosman is no greater than the state wide average"
 - The existing number of packaged and non-packaged liquor outlets in the Mosman LGA is "lower than the state wide average"
 - the concerns about the use of alcohol by adolescence "ignores the specific of this application which is directed to an older demographic and a fine wine enjoying population.
251. Attached to this submission is BOCSAR Recorded Crime Statistics between July 2014 to June 2015 for NSW recording the *number of recorded domestic violence related incidents and rate per 100,000 population: 2 and 5 year trends*. This data indicates that the state of NSW has a rate of 384.9 per 100,000 population for incidents of domestic violence related assault.
252. National Police Certificate number NCHRC-2015-106995 for Mr Euripides Viropoulos (the Managing Director and contact person for the company Applicant) issued 16 November 2015: recording that Mr Viropoulos has the following "disclosable court

outcomes" and/or outstanding matters recorded against his name within the records of police services in Australia:

- Downing Centre Local – 25 March 1998 – Common Assault –T2 – Recog S558: \$1,000 6month fine: \$750 costs – court: \$51 (Appealed)
- Sydney District Court – 13 August 1998 – Common Assault – T2 – Dismissed S556 court case reference number 98/12/0360
- Newtown Local Court – 20 April 2006 – Maliciously Inflict Grievous Bodily Harm – T1 – H 24585546: Fine: \$1,200 costs – court: \$65 all grounds appeal with stay lodged
- Sydney District Court – 18 October 2006 – Maliciously Inflict Grievous Bodily Harm – T1 – H 24585546: conviction confirmed: (DC 90010485) court case reference number 06/12/0610.

253. Letter from Mr Viropoulos (the managing director and contact person for the company Applicant) to the Authority dated 9 December 2011 in respect of a different liquor licence application in Double Bay: In this 2-page letter Mr Viropoulos discusses his version of events that took place during a "road rage incident" with a cyclist that lead to him being convicted of Maliciously Inflict Grievous Bodily Harm.
254. Mr Viropoulos contends that he was not punished by imprisonment, that the offence is in "no way related" to his occupation as a licensee of a liquor store, that he believes the situation arose out of a road rage incident where he was in fact the victim and that the nature of the offence does not imply dishonesty, relate to his knowledge of how to sell alcohol or his obligations in respect of the licence.
255. Google Geographical map: This map depicts an aerial view of the location of the Premises.
256. Google Street Image: depicting the Kidstuff store currently at the Premises.
257. BOCSAR Crime Maps based upon data from July 2014 to June 2015 detailing hotspots for the concentration of offences near the location of the Premises: This data, obtained by the Authority from published BOCSAR sources, indicates the immediate location and areas surrounding the Premises at 774-776 Military Road, Mosman:
- Is *not* located within any hotspots for incidents of *non-domestic assault*
 - Is located just outside a low density hotspot for incidents of *domestic assault*
 - Is *not* located within any hotspots for incidents of *malicious damage to property*.
258. Authority licensing records: recording the addresses of other liquor licenced premises in the suburb of Mosman, and surrounding suburb of Balmoral Beach indicating that the suburb of Mosman has:
- seven registered club licenced premises
 - 38 on premises licenced premises
 - eight packaged liquor licenced premises.
259. Authority liquor license density data: This data, obtained by Authority staff from licensing records, indicates that the Mosman LGA as a whole recorded:
- A rate of 47.34 *packaged liquor licences* per 100,000 persons, which is above the NSW state wide rate of 32.85
 - A rate of 18.21 *club licences* per 100,000 persons, below the NSW state wide rate of 20.48
 - A rate of 36.41 *full hotel licences* per 100,000 persons, above the NSW state wide rate of 30.36
 - A rate of 40.06 *on-premises licences* per 100,000 persons, well below the NSW state wide rate of 121.31.

260. This data, obtained by Authority staff from licensing records, also indicates that postcode 2088, which only includes the suburb of Mosman, recorded:
- A rate of 14.57 *packaged liquor licences* per 100,000 persons, which is well below the NSW state wide rate of 32.85
 - A rate of 10.92 *club licences* per 100,000 persons, well below the NSW state wide rate of 20.48
 - A rate of 29.13 *full hotel licences* per 100,000 persons, close to the NSW state wide rate of 30.36
 - A rate of 94.68 *on-premises licences* per 100,000 persons, below the NSW state wide rate of 121.31.
261. Data on *Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources for July 2014 to June 2015. This document which is before and commonly referred to by the Authority indicates that:
- The rate of *domestic violence related assault* incidents that were also recorded by reporting Police as *alcohol related* and occurring across the Mosman LGA, was 76.0 per 100,000 persons, well below the New South Wales wide rate of 122.6 per 100,000 persons
 - The rate of *non-domestic violence related assault* incidents flagged by reporting Police as *alcohol related* in the Mosman LGA for 2013 was 49.5 per 100,000, well below the State wide rate of 144.0 per 100,000 persons
 - The rate of *offensive behaviour* offences flagged by reporting Police as *alcohol related* across this LGA was 46.2 per 100,000 persons, well below the State wide rate of 88.2 per 100,000 persons.
262. SEIFA data published by the ABS: ABS data, prepared on the basis of the 2011 census, indicates that the Mosman LGA, the suburb of Mosman and postcode 2088 which only includes Mosman ranked in the tenth decile, compared to other local government areas, suburbs and postcodes in the state on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).

LEGISLATION

263. Division 5 of the Act addresses packaged liquor licences and includes the following provisions:

29 Authorisation conferred by packaged liquor licence

- (1) *Retail sales* A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only:
- (a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or
 - (b) in the case of any Sunday that falls on 24 December—from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to 10 pm on that day.
- (2) *No retail trading on restricted trading days* Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.
- (3) *Selling liquor by wholesale or to employees* A packaged liquor licence also authorises the licensee:
- (a) to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and
 - (b) to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.
- (3A) *An extended trading authorisation must not authorise the sale after 10 pm on any day of liquor for consumption away from the licensed premises.*
- (4) *Tastings* A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise

than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

30 Liquor sales area required if bottle shop is part of another business activity

- (1) *If the primary purpose of the business carried out on the premises to which a packaged liquor licence relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises ("the liquor sales area") that is adequately separated from those parts of the premises in which other activities are carried out.*
- (2) *The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.*

31 Restrictions on granting packaged liquor licences

- (1) *A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that:*
 - (a) *in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and*
 - (b) *the grant of the licence would not encourage drink-driving or other liquor-related harm.*
- (2) *A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.*
- (3) *In this section:*

"general store" *means a convenience store, mixed business shop, corner shop or milk bar that has a retail floor area of not more than 240 square metres and that is used primarily for the retail sale of groceries or associated small items.*

"service station" *means premises that are used primarily for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products.*

"take-away food shop" *means premises that are used primarily for the preparation and sale of food for immediate consumption away from the premises (whether or not food is also consumed on the premises).*

264. The power to grant a new liquor licence is provided by section 45 of the Act, which states, relevantly:

45 Decision of Authority in relation to licence applications

- (1) *The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.*
- (2) *...*
- (3) *The Authority must not grant a licence unless the Authority is satisfied that:*
 - (a) *the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and*
 - (b) *practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and*
 - (c) *if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.*
- (4) *...*
- (5) *...*
- (5A) *Without limiting subsection (3)(a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:*
 - (a) *is of good repute, having regard to character, honesty and integrity, and*
 - (b) *is competent to carry on that business or activity.*

265. Under section 48(5) of the Act, the Authority *must not* grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied,

having regard to the CIS and any other matter the Authority is made aware of during the Application process, that the overall social impact of the licence, authorisation or approval in question being granted *will not be detrimental* to the local or broader community.

266. Section 48(5) of the Act states:

48 Community impact

- (5) *The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:*
- (a) *the community impact statement provided with the application, and*
 - (b) *any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),*
- that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.*

267. An application for a packaged liquor licence is a type of licence prescribed by section 48(2).

268. In determining the Application, the Authority has also considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states:

3 Objects of Act

- (1) *The objects of this Act are as follows:*
- (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.*
 - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

APPLICANT CASE ON OVERALL SOCIAL IMPACT

269. The Applicant submits that the "local community" in respect of the Premises constitutes its "trade area" while the "broader community" is the Mosman LGA. The Applicant has defined the retail trade area of the proposed Premises to include "people who will use the services and facilities that will be provided on the licensed premises as well as people who are likely to be affected by the application and may derive social benefit or suffer social harm as a result of the application" which includes the "neighbouring premises" of the proposed Premises.

270. The Applicant contends that the research conducted in relation to this Application identified a number of special interest groups to consult with and each of these special interest groups and neighbouring premises were provided with the CIS Notice and invited to make comment.

271. The Applicant contends that Council did not respond to a request to participate in the community consultation process for this Application and have approved a DA in relation to the Premises on 4 January 2012.
272. The Applicant submits that the Statement of Impact filed with this Application "represents a reasonable interpretation of the likely impacts of this Application" and concludes that the "overall social impact" of the grant of packaged liquor licence at the Premises will "not be detrimental to the well-being" of the local or broader community. The Applicant submits that this conclusion was reached after "undertaking a balanced analysis of the various risk indicators and social impacts". The Applicant submits that the "test to be satisfied in respect of this Application has been satisfied and in these circumstances the Authority is in a position to approve this Application".
273. The Applicant submits that the local and broader communities of the new store are "considered low risk" based on the potential for "increased rates of alcohol related harm or adverse social impact from the operation of the Licence at the Proposed Store".
274. The Applicant submits that the proposed business will operate pursuant to the development consent and the Applicant states that it is committed to ensuring that the proposed store "does not adversely impact on the neighbourhood" of the Premises.
275. The Applicant contends that licensing the Premises will not introduce any new drinkers to the market, will not introduce "new lines of liquor products" to the residents or change "existing consumer behaviour as to the type or quantity of alcohol to be consumed" but instead the new business will "cannibalise sales made at existing bottle shops" resulting in a "redistribution of the market share for packaged liquor products amongst the existing bottle shops only".
276. The Applicant submits that the new business operating on the Premises will not be "a late night trading venue, as it will not trade beyond 9:00pm on any day".
277. The Applicant further submits that as the licence is limited to only selling liquor for the consumption off the Premises, it is "unlikely to cause the same amenity type concerns in the neighbourhood" as those that may arise from licensed premises where the consumption of liquor occurs *on* the premises.
278. The proposed store "will deliver convenience, choice, range and value for shoppers". It will be a "modern facility providing employment opportunities" for those living within the local or broader community. The proposed store will form part of the "ordinary life in the neighbourhood of the proposed store and in doing so it will meet a reasonable public expectation that this type of facility is available in the community".
279. The Applicant further contends that the features of the "design, layout and management" of the business to be conducted on the Premises have been included to "minimise the potential for risk".
280. The Applicant submits that "through the planning approval process" matters relating to parking, traffic, litter and noise "were found to be satisfactory or manageable" through the imposition of conditions on the development consent.
281. The Applicant submits that "there is no evidence" that the "at-risk" groups in the communities will be "impacted adversely" by the operation of this business.
282. The Applicant submits that there is "no potential to cause any adverse impact" to these groups because the broader community is a "large geographical area" and there are

"large numbers of people residing in that area, or pockets of it, who will not be customers" of the new business.

283. The Applicant contends that many of these people in the broader community "are not working, residing or even travelling in the likely trade area" of the new business and there is "simply no need for these people to go out of their way to visit" the new business "where there are existing bottle shop facilities in a closer distance to their homes".
284. The Applicant contends that that there are "no potentially sensitive facilities or services" near the Premises and submits that the available BOCSAR data confirms that "the Mosman community have demonstrated an ability to consume alcohol responsibly".
285. The Applicant contends that there is "no evidence" that the proposed store will exacerbate existing levels or the frequency in which alcohol related crime might occur and that there is "no evidence of any prevailing alcohol related problems". The Applicant contends that the reasons for this is that:
- BOCSAR evidence confirms the public in this location are consuming alcohol responsibly
 - The manner in which the Licence is to be operated and managed in the future
 - Existing consumer behaviour as to the type or quantity of alcohol consumed is unlikely to change.
286. The Applicant contends that there will be "no additional impact on the existing rates or frequency of alcohol related crime in Mosman" the local community or the broader community of the proposed store.
287. The Applicant concedes that "the level of risk of an alcohol related hospitalisation" occurring in this broader community is "high when compared with the NSW average" however the same data also shows that the level of risk that an alcohol related *death* may occur in the broader community is "not statistically different to the NSW average". The Applicant then submits that "no additional impact on victims of alcohol related harm is expected".
288. The Applicant contends that the SEIFA scores for the broader community "support the approval of the Application".
289. The Applicant contends that the Premises will have a "high quality fit-out" and it "will be operated in the same responsible manner as all other Camperdown Cellars stores".
290. The Applicant contends that the following public interest benefits will flow to the communities from granting this new licence:
- Improved choice and convenience and an improved shopping experience
 - Attracting new patronage to the established retail precinct so other local businesses may benefit
 - Implementation of a sophisticated security system and thereby expanding the availability of CCTV in Mosman with increased night lighting
 - Improved neighbourhood safety and security
 - Introduced competition in the sale of packaged liquor from liquor stores operated by other companies
 - Employment opportunities in the fit-out of the proposed store and subsequently during its continuing operation
 - Increased outdoor security provisions and lighting
 - Increased choice via a modern and conveniently located retail liquor store

- Improvements to streetscape, character, amenity and access to retail services enhancing the resident quality of life and satisfaction for the public in the local community
 - A very broad and hard-to-find range of liquor products (at competitive prices) not found elsewhere which will increase convenience, service and choice for the Mosman community, amongst many other benefits (The Authority notes that the Applicant does not specify what these hard to find product lines, or the pricing arrangements, will be).
291. The Applicant submits that there is statistically an "under-provision" of packaged liquor licences and hotel licensed premises in Mosman, that there is "no evidence that there is a "saturation" of retail packaged liquor licences in Mosman and that there is low density of packaged liquor licences compared to neighbouring suburbs of comparable size and population.
292. The Applicant submits that the proposed store represents a "planned response to an identified need" that the public of the local community requires improved access to consumer goods and retail services at the proposed location.
293. The Applicant contends that it is "reasonable to expect" there should be a higher number of licensed premises to satisfy the demand generated by tourists and visitors on a regular basis and into the future. The Applicant refers to the nearby presence of Taronga Zoo, Balmoral Beach and Chowder Bay, along with a number of other attractions that are contended will draw visitors to Mosman.
294. The Applicant contends that the "small size" and appeal of the Premises has "no correlation with any potential for the public to consume more alcohol than what might otherwise be the case". [The Authority notes that the Applicant has not provided any evidence or expert analysis in support of this proposition].
295. The Applicant submits that the licensed Premises is not an entertainment venue and will not be open at all when the "peak period for alcohol related anti-social behaviour is known to occur, as its latest closing time will be 9.00pm".
296. The Applicant contends that the "potential risk factors for an increase in antisocial behaviour occurring around the proposed store are logically unlikely to have an adverse impact which is comparable to those premises which are located within entertainment precincts, trade late into the night, and which are the subject matter of an adverse social impact".
297. The Applicant contends that a review of BOCSAR data does not support the Police position that Allan Border Oval is a "problem area for youth drinking" and that the data for alcohol related crime occurring in the Mosman community and broader community "is significantly lower than neighbouring, regional and state averages for NSW".
298. The Applicant contends that the new store will be "unlikely to cause an adverse impact to any of the identified facilities or services (or to neighbouring premises in general)" because:
- The new store "will be modern, well illuminated, subject to a sophisticated surveillance system, with proper, demonstrated and proven to work harm minimisation and responsible service of alcohol policies and procedures in place"
 - The new store "will operate pursuant to conditions of the Development Consent thereby minimising its impact on neighbouring premises"
 - There are "no services, facilities, businesses or organisations at this location that are frequented by "at-risk" persons or groups for alcohol related harm"

- It is "not unusual" for bottle shops in NSW to be located near facilities of the type described with there being no conflict in the conduct of each facility in circumstances where the licensed premises is professionally run and well managed as will be the case at this location.
299. The Applicant further submits that the BOCSAR crime statistics per 100,000 persons for the broader community is "lower" than the rate for NSW for incidents of *alcohol related domestic violence assaults, alcohol related non-domestic violence assaults and alcohol related assault police*.
300. The Applicant contends that the Mosman area has a "high user population where it enjoys a high influx of persons" into the broader community each day for work, business or leisure related purposes" and that this "transient population" must be considered along with the permanent population "despite alcohol related crime levels being particularly low in Mosman". [The Authority notes that the Applicant has not provided any data or evidence in support of the contention].
301. The Applicant submits that the BOCSAR crime statistics for Mosman show:
- The count of *alcohol related domestic violence assaults* is "very low"
 - The count of *alcohol related non-domestic violence assaults* is also "very low"
 - The count of *alcohol related assault Police* is "very low". The proposed store is not located near any entertainment precinct of Mosman
 - The count of other alcohol related incidents is "also very low".
302. The Applicant submits that the Camperdown Cellars stores are "smaller in size and blend into the fabric of the community" and that there is "no evidence that any Camperdown Cellars outlet has contributed to increased alcohol consumption at any of its locations across Sydney".
303. The Applicant submits that the locals of Mosman are "entitled to a modern, contemporary Camperdown Cellars style bottle shop facility as part of their shopping experience in this location, without having to be inconvenienced by travelling".
304. The Applicant submits that Camperdown Cellars also offers "practical harm minimisation measures based on its experience, which have proven to work effectively in other locations". The Applicant submits that the licenced business will operate pursuant to the following mitigating measures:
- Harm minimisation and responsible service of alcohol mitigation measures which have been "accepted by the Authority in the past to properly address the requirement to minimise the potential for harm and anti-social behaviour and encourage responsible attitudes and practices towards the sale, supply and consumption of liquor"
 - The Licensee will be an active participant in the Local Liquor Accord
 - The new business will be "fitted and will operate with a sophisticated CCTV security system"
 - The proposed store will "operate in accordance with the Development Consent".
305. The Applicant contends that in addition to these measures Camperdown Cellars undertakes to:
- Not stock any liquor products that are the subject matter of concern in Mosman
 - Consider any local policies and procedures that are deemed to be necessary
 - Consider any matters outlined or recommended by the local liquor accords
 - Issue banning order to customers who are problematic
 - Follow any lawful and reasonable directions of the local licensing police.

306. The Applicant concludes with the submission that the "overall social impact of the Application will not be detrimental to the well-being of the" local or broader community and therefore the "test to be satisfied by section 48 of the Act has been satisfied".

REASONS

307. The Authority is satisfied, on the basis of the Application material before the Authority that, for the purposes of Section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied. This finding is made on the basis of the Application, CIS material and Certification of Advertising provided by the Applicant.

308. The Authority notes that a late submission was made by Back Schwartz Vaughan solicitors on 29 March 2016, the day before the Authority was due to consider this Application at its Board meeting of 30 March 2016. In a letter from the Woolworths Liquor Group, Woolworths allege that the Application material involves a "substantial reproduction of Woolworths Limited's application for a packaged liquor licence for BWS Bermagui that was lodged with the Authority in October 2014".

309. Woolworths requested the Authority to defer consideration of the Application while it investigates its concerns of plagiarism by Camperdown Cellars in this matter.

310. However, by reason of the very late date of this submission, the Authority declined to consider or further investigate these allegations. While the Authority did not give detailed consideration to the allegations, prima facie this submission did not place in question the validity of the Application or CIS for want of addressing minimum content or procedural requirement.

311. The Authority has not put the allegations of plagiarism to Camperdown Cellars for a response and in any event does not have the jurisdiction to adjudicate claims that may more appropriately be made in a Court of competent jurisdiction under the *Copyright Act 1968*. The Authority has not taken these allegations further and makes no finding on whether the Application substantially reproduces Woolworths work.

312. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a packaged liquor licenced venue of the kind proposed in the Application material. The Authority notes the Applicant's ASIC Current Extract and is satisfied on the basis that no issues of concern were raised with regard to the Applicant Company's probity following consultation with relevant law enforcement agencies including Police and LGNSW who have apparently considered the Application.

313. This finding is not uncontentious. The Authority has considered information provided in the National Police Certificate for Mr Euripides Viropoulos (the company director and contact person for the Applicant) and is satisfied that he was convicted in 2006 for an offence of Maliciously Inflict Grievous Bodily Harm arising from a road rage incident involving a cyclist.

314. The Authority has considered Mr Viropoulos account of the facts but is nevertheless satisfied that he was convicted of this serious act of violence on 9 December 2011. The Authority notes that Mr Viropoulos was *not* sentenced to imprisonment.

315. While Mr Viropoulos has made submissions to the effect that his past convictions do not relate to his occupation nor demonstrate an inability to observe the requirements expected of a liquor licensed business, the Authority considers that this serious

misconduct is relevant to a general assessment of Mr Viropoulos character and his relevant to his fitness to be a close associate of a proposed liquor licensee.

316. However, given the nearly 10 years that have elapsed since his last conviction and the absence of any further convictions or any apparent matters before the Court involving Mr Viropoulos the Authority is satisfied, *on balance*, that the Applicant for the licence is a fit and proper person to hold a liquor licence.
317. The Authority is satisfied, for the purposes of section 45(3)(b) of the Act that responsible service practices will be in place with the commencement of licensed trading. This finding is made on the basis of the *House Policy* dated March 2015 and the Operational Matters provided by the Applicant.
318. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act that the required development consent is in place, on the basis of the DA 8.2011.194.1 issued by Council dated 4 January 2012 which approved development for "Internal fitout, removal of an approved opening and use as a fine wine and gourmet food outlet".
319. The Authority is satisfied on the material evidencing the development consent and the Applicant's legal submissions dated 2 February 2016, that the existing consent is sufficient to cover the proposed use of the Premises as a liquor store.
320. The Authority accepts the Applicant's submission that the interpretation of the existing development consent permits use of the Premises to operate a conventional, full product liquor store or bottle shop and not a retail outlet limited to wine. The Authority accepts the submissions made by neighbouring residents and Police that Council did not consult on the development consent before it was granted. Nevertheless, unless and until the consent is set aside by a Court of competent jurisdiction the Authority accepts the validity of the development consent on its face.

Overall Social Impact Test

321. The Authority is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting the Application will *not* be detrimental to the wellbeing of the local or broader community.
322. Applying the social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local or broader community.
323. The Act does not define what "local community" means. However, consistent with the Authority's *Guideline 6* and its long established practice, the Authority finds that the local community comprises the state suburb in which the proposed licensed premises is to be located – the suburb of Mosman.
324. For the purposes of this Application, the Authority is satisfied that the relevant "local community" comprises the community located within the State suburb of Mosman while the "broader community" comprises Mosman LGA.
325. The Authority notes that the Applicant has posited a local community that extended beyond Mosman by reason that this accords with the expected retail trade catchment area of the proposed store.

326. The Authority accepts on the basis of the Applicant's submissions that the new liquor store may well have a trade catchment area that extends beyond the suburb in which the store is located.
327. However in the absence of a statutory definition of "local community" and for the sake of administrative consistency with the Authority's long established practice, the Authority finds the relevant local community to be the suburb of Mosman in which the new licensed premises will be situated.
328. The Authority finds this to be a preferable formulation of the local community to the Applicant's alternative formulation, which encompasses several suburbs and is cast so broadly as to lose any genuinely "local" focus or character.

Positive Benefits

329. The Authority is satisfied, on the basis of the Applicant's account of the type and location of licensed premises in Mosman, particularly the location of the nearest packaged liquor premises, that granting this Application will provide a modest additional measure of convenience to those members of the local and broader community who wish to purchase liquor for consumption off the Premises, particularly those who do not drive to the Premises.
330. The Authority is satisfied that by granting the Application, the enhanced choice and convenience for customers of the Premises will in this sense serve the "desires, needs and expectations" of the community within the meaning of section 3(1)(a) of the Act.
331. When considering the question of community desires needs and expectations the Authority also accepts that there is evidence of significant localised resident opposition to the proposal, particularly by those most closely situated to the Premises.
332. The Authority accepts those persons have genuine concerns regarding the placement of this liquor business in a residential building but the material before the Authority does not evidence substantial opposition across the local or broader communities.
333. As for the Applicant's contended benefits relating to competition and choice, on balance, the Authority accepts the Applicant's submission that the granting the Application will allow the Premises to stock "a very broad and hard-to-find range of liquor products (at competitive prices) not found elsewhere which will increase convenience, service and choice for the Mosman community amongst many other benefits". This will help develop the liquor industry in the local community, which is an object of section 3(1)(b), although the extent of this benefit is reduced by the range and variety of incumbent licensed businesses in the local and broader community.
334. The weight that may be given to this purported benefit is diminished by the Applicant's failure to specify which "hard to find" products will actually be stocked or what the pricing arrangements will be.
335. While the Applicant has emphasised that it will be a "high end" wine retailer, it has provided little by way of specification, let alone substantiation, as to *how* it will distinguish its operation from other liquor stores in the local or broader community.
336. Nevertheless, the Authority accepts, noting in particular the ABS socioeconomic data before the Authority that it is more likely than not that the Applicant will cater to the spending capacity of the local market in what is one of the most socioeconomically advantaged communities in the State. This provides some objective support for an

inference that the Applicant will provide "high end" wine products to the local and broader communities.

337. In summary, the Authority is satisfied that there are modest benefits likely to flow from granting the Application by way of increased convenience, choice and competition in the local community from granting the Application. Those benefits are less clearly established at the level of the broader community, but the Authority considers it likely that residents of the broader community, not simply residents of Mosman itself, will shop in the Mosman Village and derive some of those benefits.

Negative Impacts

338. The Authority accepts that over time there will more likely than not be some contribution from the liquor sold at the Premises to alcohol related crime, disturbance or adverse impact on amenity from a minority of customers who abuse packaged liquor that is purchased from the Premises.
339. A minority of patrons of the new business may also contribute to other adverse packaged liquor related impacts upon local amenity, such as drinking in public, "pre-fuelling" before attending licensed premises or alcohol related litter.
340. The 2015 BOCSAR *Report on Crime by Local Government Area and Alcohol Related Status* for 2015 (based on data from July 2014 to June 2015) satisfies the Authority that the rate for Mosman LGA for alcohol related incidents is well below the average compared to NSW.
341. The report indicates that in the Mosman LGA, no offences were recorded in respect of *alcohol related assault police* incidents compared with a NSW total of 18.2 per 100,000 population. The rate per 100,000 population for reported incidents of *alcohol related domestic violence assault* was 76.0 compared with a NSW total of 122.6. The rate of *alcohol related non-domestic violence assault* was 49.5 compared with a NSW total of 144.0.
342. In relation to the suburb of Mosman, BOCSAR crime mapping data for the period from July 2014 to June 2015, reveal that the Premises is not located in a sensitive location in terms of concentration of prevailing crime impacts, in that within the Mosman LGA, the Premises is not situated within any concentration "hotspot" for the occurrence of reported domestic assault non-domestic assault or the occurrence of reported malicious damage offences (noting that such matters may or may not be recorded as alcohol related).
343. In addition to the generally favourable crime statistics, the Authority is satisfied that the local and broader communities are relatively very advantaged. The suburb, the Mosman LGA and postcode 2088 (which only includes Mosman) rank in the tenth decile within NSW on the Index of Relative Socio-economic Advantage and Disadvantage. This provides some measure of comfort that socio economic disadvantage (which, as noted in the research listed in Annexure A to Authority Guideline 6 as being a risk factor associated with reported domestic violence rates) is not a compounding factor of concern in this instance when assessing the social impact of the liquor sold from the Premises.
344. The Authority notes the Applicant's submission to the effect that there is no link between outlet density and alcohol-related violence, footnoting the Harper Review of Competition Policy in support of that proposition.
345. While this decision has not turned upon this particular submission, the Authority notes for the record that neither the Draft nor Final Report make findings to that effect. In the Draft

Report released on 22 September 2014, the Panel's view stated at page 109 was as follows:

Liquor retailing and gambling are two heavily regulated sectors of the economy. The risk of harm to individuals, families and communities from problem drinking and gambling is a clear justification for regulation.

However, there is no case to exempt regulations in these areas from ongoing review to ensure that they are meeting their stated objectives at least costs to consumers. The impact of regulatory restrictions on the ability of small businesses to compete should be considered as part of such reviews.

346. In the Final Report, the Panel noted at page 149 as follows:

Many submissions cite empirical evidence of the harm caused by alcohol and suggest that further applying competition policy to the regulation of alcohol retailing would exacerbate this harm. 163 Other parties disagree and submit that various measures of alcohol-related harm have decreased over the period since NCP was introduced. costs of harm compared to the costs of reduced competition. Such an investigation is beyond the scope of this Review.

347. The Authority is satisfied on the basis of the Application and material provided by the Applicant that there are well-developed business practices, CCTV measures and security practices and plans for the new business which will constrain the contribution this business may have on alcohol related crime. The Authority further notes that Camperdown Cellars is a chain of packaged liquor licences and are experienced operators.

348. The Authority has taken into consideration the scale of the Premises at 200 square metres. This is a factor that, along with the extensive licensed trading hours sought by the Applicant (between 10.00am and 9.00pm Monday to Saturday and 10.00am and 8.00pm Sunday) objectively increases the scope for the business to contribute, along with the number of incumbent licensees in the local and broader community, to prevailing alcohol related adverse impacts in those communities over time.

349. However, in addition to the favourable alcohol related crime statistics, the Authority accepts the favourable liquor licence density rates as noted above. That is, within the postcode 2088 (comprising the suburb of Mosman) there is:

- A rate of 14.57 *packaged liquor licences* per 100,000 persons, which is well below the NSW state wide rate of 32.85
- A rate of 10.92 *club licences* per 100,000 persons, well below the NSW state wide rate of 20.48
- A rate of 29.13 *full hotel licences* per 100,000 persons, close to the NSW state wide rate of 30.36
- A rate of 94.68 *on-premises licences* per 100,000 persons, below the NSW state wide rate of 121.31.

350. These figures satisfy the Authority that licence density *per se* is not particularly problematic in the local community. Licence density data noted by the Authority above indicates that licence density in the packaged liquor licence and hotel licence categories is moderately above State wide rates in the Mosman LGA, providing a greater degree of concern at the level of the broader community, although the likely impact of this new liquor store becomes more diffuse when assessing the broader community by reason of the number and variety of licensed premises across that community. Importantly, licence density at the level of the local or broader community has not translated into problematic crime rates.

351. Police submissions have focussed on a 5km radius of the site. For reasons discussed above, when assessing licence density the Authority will focus on licence density at the level of the local community (the suburb) and the broader community (the local government area).
352. The Authority notes that the density figures for the relevant communities are not at the levels that would warrant particular concern with prevailing liquor density *per se* and in any event those density levels have not translated into troubling rates of alcohol related crime in the communities. On the contrary, the communities perform quite well compared to state averages.
353. The Authority accepts that there is some cause for concern arising from the health data, as evidenced by the NSLHD submission where it is submitted that each day in NSW, alcohol is responsible for 66 assaults, 27 of which are domestic assaults, 28 emergency department presentations, 142 hospitalisations and three deaths.
354. NSLHD conclude that increased exposure and access to alcohol generated by the Premises is "likely to increase alcohol-related harm among local children, young people and families". However, NSLHD did not provide the rates of alcohol-related hospitalisations in the Mosman LGA and consequentially, less weight can be given to this submission.
355. Two submissions received from residents in objection to the Application provide some indication that alcohol-related hospitalisations occur at a higher rate in Mosman LGA than in other LGAs in the State. Mr Atkinson's submission dated 25 July 2015 (noted above) submits that alcohol-attributable hospitalisation rates per 100,000 persons in Mosman [presumably Mosman LGA] have increased by 106 per cent between 2006-07 and 2012-14 while the population has only grown by 10 per cent.
356. Additionally, Mr Ziller's submission dated 27 July 2015 submits that the rate of alcohol-attributable hospitalisations in Mosman LGA has grown by 43 per cent in seven years – at a much higher rate than population growth.
357. The Authority notes that neither of these two submissions provided details as to the source of such rates. Nevertheless, as noted above, the Applicant has conceded that "the level of risk of an alcohol related hospitalisation" occurring in this broader community is "high when compared with the NSW average" however the same data also shows that the level of risk that an alcohol related *death* may occur in the broader community is "not statistically different to the NSW average".
358. As demonstrated in the *National Household Survey* that forms part of the research noted in Authority Guideline 6, high income households are not immune from adverse alcohol related health impacts from risky drinking.
359. The prevailing alcohol related health data for the Mosman LGA with regard to alcohol related adverse health impacts is an adverse factor when assessing the contribution that liquor sales from this new business will make, along with the incumbent retailers, to the abuse of packaged liquor in the relevant communities. That impact is diffused through the number and variety of liquor outlets capable of selling takeaway liquor in the broader community, but remains of concern.
360. The majority of issues raised by local residents in opposition to the Application are concerns of a planning nature (such as aesthetic objections to a liquor store in the Mosman Village market place, parking impacts and waste removal impacts at the site). Those types of town planning concerns are not directly related to liquor related impacts.

361. The Authority has considered local resident submissions raising concern about the behaviour of intoxicated persons in the Mosman Village impacting local amenity. While these concerns are generally credible they are not substantiated with data or evidence indicating the nature and extent of that particular problem or the extent to which the nearby on-licensed premises are a driver of this amenity impact. The Authority is unable to give those submissions great weight on the material before it.
362. The Authority accepts that the local residents feel genuinely aggrieved by not having been placed on notice of this new liquor store by the Applicant who is also the property developer of the site.
363. The Authority accepts the claims by residents and Police that the Council development application process for this site did not include consultation with the local residents - but the Authority cannot look behind the validity of the development consent before it. The Authority accepts that the consent is valid on its face until set aside by a court of competent jurisdiction.
364. The Authority is satisfied, on the basis of the Applicant's submissions, that the consent is broad enough in its scope to permit the operation of a packaged liquor store, despite the description of the proposed business in the Development Application.
365. The Authority finds the concerns raised by residents and Police about nearby parks and youth and public drinking to be generally credible, but there is insufficient evidence or material specifying the nature and extent of those localised amenity impacts before the Authority to warrant refusal of the Application on that basis.
366. The Authority notes that Police contend that the grant will result in increased alcohol-availability in "an area where alcohol related crime, drink driving offences and anti-social behaviour and public drinking are already an issue".
367. The Authority accepts the concerns raised by Police on the basis of last place of consumption data maintained by the Local Area Command indicating the likely role of packaged liquor in the commission of PCA offences, but data comparing the rates of PCA offences to NSW wide rates have not been provided and it is difficult to get a sense of the relative scale of that problem. This adverse factor has not been taken into account but is not decisive on the material before the Authority.
368. There is insufficient evidence before the Authority to find whether the addition of another packaged liquor licence at this location and for a business of this scale will increase, decrease, or make no difference to the level of liquor consumed in the local or broader communities.
369. New South Wales does not mandate the collection of wholesale liquor sales data that has enabled researchers in other jurisdictions to identify an association between volumes of liquor sold and assault rates in a local government area (Liang W and Chikritzhs T: "Revealing the link between increased licensed outlets and violence: Counting venues versus measuring alcohol availability" (2011) *Drug and Alcohol Review* (September 2011)- as noted in *Authority Guideline 6*).
370. Assuming as the Applicant submits that the new business will only cannibalise existing demand at the expense of other licensed business authorised to sell takeaway liquor, the new business may nevertheless be expected to contribute, along with the incumbent retailers, to prevailing problems associated with the abuse of packaged liquor.

371. However, on the material before the Authority the prevailing adverse social impacts relating to alcohol are, for the most part, not at levels that warrant particular concern when assessing these communities.

CONCLUSION

372. Considering together the found positive benefits and taking into account the factors which are likely to objectively constrain or minimise the extent of negative impacts arising from the operation of this business in this community, the Authority is satisfied for the purposes of section 48(5) of the Act, that the overall social impact of granting this Application will not be detrimental to the well-being of these local or broader communities.

373. The Authority has decided to grant the Application pursuant to section 45 of the Act.

374. In making this decision the Authority has considered all of the statutory objects provided by section 3(1) of the Act and has had regard to all of the considerations prescribed by section 3(2) of the Act.



DB Armati
Deputy Chairperson
for and on behalf of the **Independent Liquor and Gaming Authority**

DATED 24 May 2016